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LOCAL ACTS  
OF  
THE LEGISLATURE  
OF THE  
STATE OF MICHIGAN

PASSED AT THE  
REGULAR SESSION OF 1907

WITH AN APPENDIX

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**NOTE.**—The words enclosed in brackets in the following acts were in the bills as passed by the legislature, but not in the enrolled copies as approved by the Governor.

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633. Act providing for two voting precincts in the township of Newton, Mackinac county.
634. Amending act providing a charter for the city of Detroit.
635. Act authorizing justices of the peace of the townships of Hanover, Wexford, Springville and Antioch, Wexford county, to hold court in the village of Sherman.
636. Amending act consolidating the cities of West Bay City and Bay City under the name of Bay City.
637. Act authorizing the city of Onaway, Presque Isle county, to issue bonds for a city hall.
638. Amending act revising the charter of the city of Marquette, Marquette county.
639. Amending act incorporating the city of Charlevoix, Charlevoix county.
640. Amending act revising the charter of the city of Saginaw.
641. Act authorizing the township board of Koehler township, Cheboygan county, to accept surety company bonds from liquor sellers, to charge license and limit number of saloons.
642. Amending act revising the charter of the city of Grand Rapids.
643. Act authorizing the city of Grand Rapids to issue bonds for sewers.
644. Act providing for assessment and collection of taxes in that part of Clay township, St. Clair county, known as St. Clair Flats, except certain private claims.
645. Act authorizing the board of supervisors of Shiawassee county to issue bonds for the payment of certain claims.
646. Act authorizing Max Sells et al., to construct a dam upon the Brule river in Iron county.
647. Act authorizing E. W. Hopkins et al., to construct a dam upon the Menominee river in Dickinson county.
648. Amending act reincorporating the city of Kalamazoo.
649. Amending act providing for the construction of a bridge in Plainfield township, Kent county.
650. Act authorizing the city of Gladstone to issue bonds for public improvements.
651. Act providing for the election of a county drain commissioner for the county of Tuscola.
652. Amending act providing a charter for the city of Detroit.
653. Act providing for the assessment and collection of taxes in the townships of Zeeland and Holland, and the city of Zeeland, Ottawa county.
654. Amending act providing for a joint cemetery board for the township of Midland and the city of Midland.
655. Amending act incorporating the city of Traverse City, Grand Traverse county.
656. Act authorizing the board of cemetery trustees of the village of Climax, Kalamazoo county, to acquire and enlarge burying grounds.

## Act No.

657. Act disorganizing school district number seven, Evangeline township, Charlevoix county, and attaching territory therein to school district number one, fractional, Evangeline township.
658. Amending act reincorporating the city of Ann Arbor.
659. Act granting the board of trustees of the village of Ford, Wayne county, certain powers relative to the liquor traffic.
660. Amending act establishing justice courts in the city of Detroit.
661. Act detaching territory from fractional school district number one, of the townships of Verona, Colfax, Meade and Lincoln, Huron county, and attaching same to fractional school district number three of the townships of Verona and Lincoln.
662. Act legalizing certain proceedings taken by school district number seven of Marion township, Osceola county, and to authorize said district to issue bonds for a new schoolhouse.
663. Act authorizing the board of supervisors of Midland county to appropriate money for certain bridges in the city of Midland and the townships of Edenville and Jerome.
664. Amending act creating a municipal court for the city of Menominee, Menominee county.
665. Act annexing territory in the village of Hamtramck, township of Hamtramck, and other territory in the township of Greenfield, to the city of Detroit.
666. Act regulating the sale of intoxicating liquors within fifty rods of any public school in Ottawa county.
667. Act fixing the compensation of the county board of school examiners of Kent county.
668. Amending act providing a charter for the city of Detroit.
669. Amending act providing a charter for the city of Detroit.
670. Act authorizing the city of West Branch, Ogemaw county, to issue bonds for a waterworks system.
671. Act amending an act creating a fire commission in the city of Detroit.
672. Amending act incorporating the city of Belding, Ionia county.
673. Amending act providing a charter for the city of Detroit.
674. Amending act establishing a police government for the city of Detroit.
675. Act providing for the appointment and election of township drain commissioners in the townships of Flushing, Genesee, Clayton and Gaines, Genesee county.
676. Amending act incorporating the city of Charlevoix, Charlevoix county.
677. Act prohibiting the sale of certain meats and poultry in the city of Grand Rapids.
678. Act authorizing the city of Saginaw to issue bonds for certain bridges.
679. Act legalizing the proceedings had in constructing, etc., a certain pavement in the city of Lapeer, Lapeer county.
680. Amending act incorporating the city of Sault Ste. Marie.
681. Act declaring a certain sworn copy of an abstract of certain tax sales by the village and city of Kalamazoo, public records.
682. Act requiring the prosecuting attorney of Saginaw county to maintain an office at Saginaw West Side.
683. Amending act revising the charter of the city of Saginaw.
684. Act establishing the Juvenile Court of Detroit.
685. Amending act providing a charter for the city of Detroit.
686. Act empowering the city of Detroit to pay out certain moneys for the establishment of a municipal brick plant.
687. Amending act creating a fire commission in the city of Detroit.
688. Act constituting the funds, arising from the liquor taxes paid in and belonging to Midland county, a building fund.
689. Act creating four election districts in the township of Hamtramck, Wayne county.
690. Amending act providing a charter for the city of Detroit.
691. Act regulating the location of cemeteries in the townships of Kent county.
692. Act raising the limit of the aggregate amount which may be raised by taxes in the city of Mt. Clemens, Macomb county, if ratified by the election.



## Act No.

693. Act providing for the direct nomination of party candidates for representative in the legislature for the second district of Washtenaw county.
694. Act preventing the lowering of waters in any meandered lakes in Cass county.
695. Act consolidating the township libraries of the townships of Livingston and Bagley, Otsego county.
696. Act authorizing the village of White Cloud, Newaygo county, to issue bonds for a village hall.
697. Act granting the common council of the city of Mount Pleasant powers relative to the liquor traffic.
698. Act empowering the council of the city of Pontiac to issue certain bonds for fire hall, etc.
699. Act concerning the regulation of the liquor traffic in Walker township, Kent county.
700. Act organizing the union school district of the township of Presque Isle, Presque Isle county.
701. Act exempting certain territory in the village of East Grand Rapids, Kent county, from the operation of the law condemning lands for the right of way for railroad, etc., companies.
702. Act providing for the election of county drain commissioner in Bay county.
703. Act authorizing the construction of a drain in either Iosco or Arenac county, or both, for deflecting the course of a certain river.
704. Repealing act dividing the township of Bedford, Monroe county, into two election districts.
705. Act authorizing the township of South Branch, Crawford county, to invest a certain amount of the contingent fund in certain securities.
706. Act providing for the payment of salaries to certain county officers and deputies of Bay county, and collection of fees.
707. Act regulating the making of special assessments in the villages of Highland Park, St. Clair Heights, Hamtramck and River Rouge, Wayne county.
708. Amending act providing a charter for the city of Detroit.
709. Act relative to the incorporation of North Branch village, Lapeer county, as a city of the fourth class.
710. Act providing a salary for the county surveyor for Wayne county.
711. Act preventing sale, etc., of intoxicating liquors within one mile from White's Lake in the township of Kalamazoo, Kalamazoo county.
712. Act providing for the nomination of candidates for the election of county officers and certain legislative officers in Midland, St. Clair and Bay counties of all political parties by popular vote.
713. Act establishing a board of police commissioners for the city of Wyandotte, Wayne county.
714. Amending act consolidating the cities of West Bay City and Bay City under the name of Bay City.
715. Act providing for the election of a school inspector in the eighteenth ward of the city of Detroit.
716. Amending act revising the charter of the city of Port Huron.
717. Act changing the date of the commencement of the fiscal year for the city of Niles.
718. Amending act reincorporating the city of Lansing, Ingham county.
719. Act authorizing the city of Grand Ledge, Eaton county, to regulate the liquor traffic.
720. Act providing for the appointment of a board of park commissioners for the city of Bay City.
721. Act legalizing certain ordinances of the common council of the city of Stanton, Montcalm county.
722. Amending act providing for the payment of a salary to certain township officers in the township of Springwells, Wayne county.
723. Amending act reincorporating the city of Cadillac.
724. Amending act providing for the compensation, etc., of certain officers of Wayne county.
725. Act providing for the election in the city of Stanton, Montcalm county, of two aldermen at large.

## Act No.

- 726. Act changing the name of Big Bass Lake, in Lake county, to Lake Nat-ah-ki.
- 727. Act preventing the lowering of the waters in any meandered lake in Berrien county.
- 728. Amending act providing for the nomination of candidates for election by popular vote in Kent county.
- 729. Act authorizing the city of Detroit to acquire lands outside the city limits for public parks, etc.
- 730. Act providing for pension to members of the police force in the city of Alpena, Alpena county.
- 731. Amending act incorporating the public schools of the city of Hudson, Lenawee county.
- 732. Amending act revising the charter of the city of Port Huron.
- 733. Act legalizing the action of fractional school district number eight, of the townships of Riley and Berlin, St. Clair county, in constructing a schoolhouse.
- 734. Act relative to issuing bonds for lighting system and waterworks system in the city of Sturgis, St. Joseph county.
- 735. Amending act revising the charter of the city of Battle Creek.
- 736. Amending act incorporating the city of Alpena.
- 737. Amending act reincorporating the city of Holland.
- 738. Amending act incorporating the city of Three Rivers.
- 739. Act authorizing the council of the village of Shelby, Oceana county, to license, regulate, etc., the sale of intoxicating liquors.
- 740. Amending act relating to primary elections in Muskegon county.
- 741. Act authorizing the city of Saginaw to issue bonds for filling up low lands and bayous.
- 742. Act authorizing the board of education in the city of Flint to provide free school text-books.
- 743. Amending act incorporating the city of Ionia.
- 744. Act exempting the township of Stambaugh, Iron county, from the operation of a certain act, with reference to townships forty-four and forty-five north of range thirty-seven west.
- 745. Act providing for the election of a county drain commissioner for the county of Midland.
- 746. Act authorizing the board of education of the city of Saginaw, East side, to issue bonds for school in the twelfth ward.
- 747. Act authorizing the township of Crystal Lake, Benzie county, to issue bonds for public purposes.
- 748. Amending act revising the charter of the city of Grand Rapids.
- 749. Amending act revising the charter of the city of Grand Rapids.
- 750. Act creating a bureau of public safety for the city of Bay City.
- 751. Act providing for the taxation and regulation of the sale, etc., of intoxicating liquors in the city of Standish, Arenac county.
- 752. Amending act providing for primary elections in the county of Wayne.
- 753. Amending act revising the charter of the city of Grand Rapids.
- 754. Amending act providing for primary elections in Alpena county.

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LOCAL ACTS  
OF  
THE LEGISLATURE  
1907.

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# LOCAL ACTS, 1907.

[No. 341.]

AN ACT to authorize the prosecuting attorney of the county of Houghton, State of Michigan, to appoint an assistant prosecuting attorney for said county, and prescribing his duties, powers and compensation.

*The People of the State of Michigan enact:*

SECTION 1. The prosecuting attorney of the county of Houghton is hereby authorized and empowered to appoint an assistant prosecuting attorney for the county of Houghton, and he may revoke such appointment at pleasure.

Assistant  
prosecuting  
attorney.

SEC. 2. Such appointment and the revocation thereof shall be in writing under the hand of the prosecuting attorney and shall be filed in the office of the clerk of said county; the person so appointed, before entering upon the duties of such office, shall take the oath prescribed by the constitution of the State and file the same, together with his acceptance, with the county clerk of said county.

Appointment,  
oath, etc.,  
where filed.

SEC. 3. The said assistant prosecuting attorney shall have full power and authority to appear for and in behalf of the people of the State in all criminal and other matters, to the same extent as the prosecuting attorney of said county, when required of him by the prosecuting attorney.

Power of  
assistant.

SEC. 4. The said assistant prosecuting attorney shall receive such pay as shall be agreed upon between himself and the prosecuting attorney, the same to be paid out of the salary of the prosecuting attorney.

Compensation.

This act is ordered to take immediate effect.

Approved January 23, 1907.

[No. 342.]

AN ACT to place the county road commissioners of Menominee county under the control of the board of supervisors of that county, and to prescribe the powers and duties of the board of supervisors and the board of county road commissioners in relation thereto, and to provide for the election of county road commissioners by the board of supervisors.

*The People of the State of Michigan enact:*

Board of  
supervisors  
to elect  
county road  
commissioner.

SECTION 1. In the county of Menominee, on and after the passage of this act, whenever the term of office of a county road commissioner shall expire, his successor shall be elected by the board of supervisors at any regular or adjourned meeting thereof, and a majority vote of supervisors elect shall be sufficient to elect.

County roads,  
how laid out,  
etc.

SEC. 2. No road in the county of Menominee shall be laid out or adopted as a county road, and no county road shall be abandoned or discontinued without a resolution of the board of supervisors authorizing such laying out or adoption or abandonment and discontinuance.

Contracts,  
how awarded.

SEC. 3. All contracts for the construction, repairing or improving roads and bridges exceeding one hundred dollars in amount shall be let on written proposals, and be awarded to the lowest responsible bidder; and all constructions, repairing or improving shall be done by contract: *Provided*, That no contract exceeding one hundred dollars shall be valid or binding upon the county until it has been approved by the board of supervisors. The board of commissioners may reject any and all bids not having been approved by the board of supervisors.

Proviso, ap-  
proval.

May reject.

Accounts and  
statements;  
how audited,  
etc.

SEC. 4. Accurate accounts shall be kept by the board of county road commissioners of all the contracts let, together with a complete statement in detail of all work done, right of way acquired and road constructed, and all claims against the county, which if allowed would be payable out of the county road fund, shall be audited by the county road commissioners, and reported to the board of supervisors.

Claims, ad-  
justment of.

SEC. 5. The board of supervisors shall act on all claims against the county which have been audited by the county road commissioners and shall have the same power to adjust, allow or disallow such claims as is given to the board of supervisors generally by act number one hundred fifty-six of session laws of eighteen hundred fifty-one and the amendments thereto.

SEC. 6. All acts or parts of acts conflicting with the provisions of this act shall not apply to Menominee county.

This act is ordered to take immediate effect.

Approved January 23, 1907.

## [No. 343.]

AN ACT to cure the irregularities in, and to legalize the action of the board of supervisors of the county of Alger, and to legalize the action of the electors of said county of Alger on a vote taken on the twelfth day of June, nineteen hundred six, relative to the issuance of bonds to the amount of one hundred thousand dollars, for the construction and maintenance of county roads in said county, and to authorize the board of supervisors of the county of Alger to issue such bonds for the construction and maintenance of roads in the county of Alger.

*The People of the State of Michigan enact:*

SECTION 1. The action heretofore taken by the board of supervisors of the county of Alger, authorizing and providing for a vote upon the question of issuing bonds to the amount of one hundred thousand dollars, for the construction and maintenance of county roads in said county, and the vote of the electors of said county taken on the twelfth day of June, nineteen hundred six, is hereby cured, and such action taken by the board of supervisors and the electors of said county validated. The board of supervisors of the said county of Alger, by a majority vote of its members elect, is hereby authorized and empowered, at any time within one year from the date this act is given effect, to issue bonds to the amount of one hundred thousand dollars for the construction and maintenance of county roads in the county of Alger.

Bond issue  
legalized.

This act is ordered to take immediate effect.

Approved January 23, 1907.

## [No. 344.]

AN ACT to legalize certain proceedings of the township board and a special election of the township of Briley, in the county of Montmorency and State of Michigan, for the issue of a bond in the sum of two thousand dollars for the purpose of building a township hall and to pay the outstanding indebtedness for the erection of the same.

*The People of the State of Michigan enact:*

SECTION 1. Certain proceedings had and taken by the township board of the township of Briley, in the county of Montmorency and State of Michigan, on the twelfth day of November, nineteen hundred six, and a special election held in pur-

Township  
board pro-  
ceedings, in  
bond issue,  
legalized.

suance thereof in said township on the first day of December, nineteen hundred six, for the purpose of authorizing the issue of a bond in the sum of two thousand dollars payable in installments of four hundred dollars annually, the money derived from the same to be used for the erection of a town hall and to pay outstanding indebtedness for the same, are hereby made and declared legal and valid, and said township board is hereby authorized to issue the bond of said township for the purpose above named in the sum of two thousand dollars payable in installments of four hundred dollars annually and the said bond when so issued, shall be legal and valid.

This act is ordered to take immediate effect.

Approved January 23, 1907.

[No. 345.]

AN ACT to amend act number three hundred ninety-nine of the local acts of the legislature of the State of Michigan for the year nineteen hundred five, entitled "An act revising the charter of the city of Jackson and to repeal all acts or parts of acts inconsistent herewith," so as to provide for retiring from active service officers and members of the police department and officers and members of the fire department of the city of Jackson after twenty-five years active service, or who shall have become disabled or incapacitated for active duty, and in case of death from injuries received in the line of duty to provide for the families of such officers, policemen and firemen, by adding to "Title VII, Police Department" four sections to stand as sections thirty, thirty-one, thirty-two and thirty-three, and by adding to "Title XVIII, Fire Department" four sections to stand as sections thirteen, fourteen, fifteen and sixteen.

*The People of the State of Michigan enact:*

Sections  
added.

SECTION 1. That act number three hundred ninety-nine of the local acts of the legislature of the State of Michigan for the year nineteen hundred five, entitled "An act revising the charter of the city of Jackson and to repeal all acts or parts of acts inconsistent herewith," be and is hereby amended so as to provide for retiring from active service officers and members of the police department and officers and members of the fire department of the city of Jackson after twenty-five years active service, or who shall have become disabled or incapacitated for active duty, and in case of death from injuries received in the line of duty to provide for the families of such officers, policemen and firemen, by adding to "Title



VII, Police Department" four sections to stand as sections thirty, thirty-one, thirty-two and thirty-three, and by adding to "Title XVIII, Fire Department" four sections to stand as sections thirteen, fourteen, fifteen and sixteen.

## TITLE VII.

### POLICE DEPARTMENT.

Sec. 30. Any officer or member of the police department of the city of Jackson, who shall have performed active duties so that his combined services in said department shall have been for a period of twenty-five years, or who, while in the active performance of duty, shall become incapacitated for performing active service, may be retired by the board of police commissioners from active duty on half pay, if the city physician, or some other competent physician authorized by said board, shall certify to said commissioners in writing that said officer or policeman is physically or mentally incapacitated from regular, active duty: *Provided*, That no member of said force shall be so retired until he has been duly notified by said board of police commissioners and has been given an opportunity of being heard in opposition thereto: *Provided, further*, That any officer or member of said department may make a written application to said board of police commissioners to be so retired, and upon receiving such application said board shall hear and determine the same and for that purpose shall have authority to cause such applicant to be examined by the city physician, or other physician or physicians to be appointed by the board, and to examine witnesses if deemed necessary to determine upon said application, and in case said board shall determine in favor of said application then such applicant may be retired in accordance with the provisions of this act. Said board shall in all cases report its action to the common council of said city.

Retirement  
of police on  
half pay.

Proviso,  
hearing.

Further  
proviso, ap-  
plication.

To report  
action.

Sec. 31. Said board of police commissioners on its own motion or on application of any officer or policeman so placed on the retired list, except those retired by reason of having served twenty-five years or more, may cause such officer or policeman to be examined by the city physician, or some other competent physician authorized by the board, for the purpose of determining if such officer or policeman is capable of performing regular duty, and if upon such examination said board shall determine that such officer or policeman is capable of performing regular duty, the board may restore him to regular duty in the same rank or grade in which he was serving at the time of his retirement: *Provided*, That said board may at any time call upon officers and policemen, so retired, to perform such duties as in the judgment of the board they are capable of performing.

Retired  
officers re-  
turned to  
regular duty.

Twenty-five  
years' service  
excepted.

Proviso.

Pension in  
case of death.

Amount of,  
how paid.

Death or re-  
marriage of  
widow.

Children.

Dependent  
parents.

Proviso.

Pensions  
deemed  
proper ex-  
pense.

SEC. 32. In case any officer or policeman shall be killed while in the discharge of his duty, or receive injuries which result in death within one year thereafter, his widow and children, or if he has no widow or child surviving him his dependent parents or parent may, if directed by said board of police commissioners, be paid a pension for a period of five years from the death of such officer or policeman. Such widow shall receive annually the sum of three hundred dollars in twelve monthly payments of twenty-five dollars each, unless she dies or remarries before the expiration of said five years. In case of her death or remarriage the same amount shall be paid to such child or children as shall be under the age of sixteen years, to be divided equally among them in case there shall be more than one child, but such payments shall not exceed said period of five years. In case such officer or policeman shall leave no widow, and shall leave a child or children under the age of sixteen years, such child or children shall be paid the said sum of three hundred dollars per annum, to be divided equally among them, which shall not be continued beyond said period of five years, or after they shall have attained respectively the age of sixteen years. If such officer or policeman shall leave no widow or child surviving him, then the dependent parents or parent surviving him may receive the same benefits as provided by this act for the widow: *Provided*, That no such payments shall be made to any of the beneficiaries provided for in this section beyond the period of five years, and to no child after attaining the age of sixteen years.

SEC. 33. The common council of the city of Jackson shall provide for the payment of said officers and policemen, so retired, and said pensions in the manner provided to defray the expenses of the regular police force, which shall be deemed a proper expense of the police department of said city, and such retired officers and policemen shall be paid at the same time and in the same manner as the regular police force.

## TITLE XVIII.

### FIRE DEPARTMENT.

Retirement  
of firemen  
on half pay.

SEC. 13. Any officer or member of the fire department of the city of Jackson, who shall have performed active duties so that his combined services in said department shall have been for a period of twenty-five years, or who, while in the active performance of duty, shall become incapacitated for performing active service, may be retired by the board of fire commissioners from active duty on half pay, if the city physician, or some other competent physician authorized by said board, shall certify to said commissioners in writing that said officer or fireman is physically or mentally incapacitated

from regular, active duty: *Provided*, That no member of said department shall be so retired until he has been given an opportunity of being heard in opposition thereto: *Provided, further*, That any officer or member of said department may make a written application to said board of fire commissioners to be so retired, and upon receiving such application said board shall hear and determine the same and for that purpose shall have authority to cause such applicant to be examined by the city physician, or other physician or physicians to be appointed by the board, and to examine witnesses, if necessary, to determine upon such application, and in case said board shall determine in favor of said application then such applicant may be retired in accordance with the provisions of this act. Said board shall in all cases report its action to the common council of said city.

Proviso,  
hearing.

Further proviso,  
application for re-  
tirement.

To report  
action.

SEC. 14. Said board of fire commissioners on its own motion or on application of any officer or fireman so placed on the retired list, except those retired by reason of having served twenty-five years or more, may cause such officer or fireman to be examined by the city physician, or some other competent physician authorized by the board, for the purpose of determining if such officer or fireman is capable of performing regular duty, and if upon such examination said board shall determine that such officer or fireman is capable of performing regular duty, the board may restore him to regular duty in the same rank or grade in which he was serving at the time of his retirement: *Provided*, That said board may at any time call upon officers and firemen so retired to perform such duties as in the judgment of the board they are capable of performing.

Retired fire-  
men returned  
to regular  
duty.

Proviso.

SEC. 15. In case any officer or fireman shall be killed while in the discharge of his duty, or receive injuries which result in death within one year thereafter, his widow and children or, if he has no widow or child surviving him, his dependent parents or parent may, if directed by said board of fire commissioners, be paid a pension for a period of five years from the death of such officer or fireman. Such widow shall receive annually the sum of three hundred dollars in twelve monthly payments of twenty-five dollars each, unless she dies or remarries before the expiration of said five years. In case of her death or remarriage the same amount shall be paid to such child or children as shall be under the age of sixteen years, to be divided equally among them in case there shall be more than one such child, but such payments shall not exceed said period of five years. In case such officer or fireman shall leave no widow and shall leave a child or children under the age of sixteen years, such child or children shall be paid said sum of three hundred dollars per annum, to be divided equally among them, which shall not be continued beyond said period of five years or after they shall have attained respectively the age of sixteen years. If such officer or fireman shall leave no widow or child surviving him, then the dependent

Pension in  
case of death.

Amount  
widow to  
receive.

Death or re-  
marriage.

Children.

Dependent  
parents.

Proviso.

parents or parent surviving him may receive the same benefits as provided by this act for the widow: *Provided*, That no such payments shall be made to any of the beneficiaries provided for in this section beyond the period of five years and to no child after attaining the age of sixteen years.

Pensions deemed proper expense.

SEC. 16. The common council of the city of Jackson shall provide for the payment of said officers and firemen, so retired, and said pensions in the manner provided to defray the expenses of the regular fire department, which shall be deemed a proper expense of the fire department of said city, and such retired officers and firemen shall be paid at the same time and in the same manner as the regular fire department.

This act is ordered to take immediate effect.

Approved January 29, 1907.

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[No. 346.]

AN ACT to legalize the action of the council of the city of Three Rivers in granting a thirty year gas franchise to B. Frank Pashby, of Detroit, Michigan, and Frank T. Hulswit, of Grand Rapids, Michigan, and to their associates, successors, lessees and assigns on the fifth day of March A. D. nineteen hundred six.

*The People of the State of Michigan enact:*

Council proceedings legalized in granting franchise.

SECTION 1. The action of the council of the city of Three Rivers, Michigan, in granting a thirty year gas franchise to B. Frank Pashby, of Detroit, Michigan, and Frank T. Hulswit, of Grand Rapids, Michigan, and to their associates, successors, lessees and assigns, on the fifth day of March A. D. nineteen hundred six, is hereby legalized and made valid subject to all the terms and conditions contained in the ordinance granting said franchise, and all amendments which have been made to said ordinance.

This act is ordered to take immediate effect.

Approved January 29, 1907.

## [No. 347.]

AN ACT authorizing the prosecuting attorney of Calhoun county to appoint an assistant prosecuting attorney for Calhoun county, and prescribing his powers, duties and compensation.

*The People of the State of Michigan enact:*

SECTION 1. The prosecuting attorney of the county of Calhoun is hereby authorized and empowered to appoint an assistant prosecuting attorney for Calhoun county, which appointment shall be in writing and filed with the clerk of said county. Assistant prosecuting attorney.

SEC. 2. The salary of said assistant prosecuting attorney shall be fixed by the board of supervisors of Calhoun county at such time and in such manner as the salary of the prosecuting attorney is fixed by said board, and until said board shall meet and fix said salary such assistant shall be paid the sum of fifty dollars per month. The said assistant prosecuting attorney shall hold his office during the pleasure of the prosecuting attorney of said county. Salary. Term.

SEC. 3. Said assistant prosecuting attorney may perform any and all of the duties pertaining to the office of prosecuting attorney at such time or times as he may be required so to do by the prosecuting attorney and during the absence or disability from any cause of the prosecuting attorney, but he shall be subject to all the legal disqualifications and disabilities of the prosecuting attorney and shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this State and file the same with the county clerk of said county. Power of assistant. Oath.

This act is ordered to take immediate effect.

Approved February 7, 1907.

## [No. 348.]

AN ACT to authorize the village of Ford, in the county of Wayne and State of Michigan, to establish, construct and maintain a system of public sewers in said village, and to issue bonds for the payment thereof.

*The People of the State of Michigan enact:*

SECTION 1. The village council of the village of Ford, in the county of Wayne and State of Michigan, is hereby authorized and empowered to establish, construct and maintain Authority to borrow money and issue bond-

	a system of public sewers in said village at a cost not to exceed eighty thousand dollars, and the said village council is further authorized and empowered to borrow money therefor on the faith and credit of said village and to issue bonds of the village to pay for said work. Said bonds shall be due and payable in thirty years from the date of issue, and shall bear interest at the rate to be fixed by the village council not to exceed five per cent per annum, payable semi-annually: <i>Provided</i> , That said bonds shall not be sold for less than their par value.
Maturity.	
Proviso.	
Election.	SEC. 2. The question of borrowing said money and issuing said bonds shall be submitted by the village council to the electors thereof, at an annual election or a special election duly called for that purpose, and the vote shall be taken as nearly as may be in accordance with the provisions of act number three, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five. The vote upon such proposition shall be by ballot, either written or printed or partly written or printed, and the proposition shall be stated thereon in the following form: "Shall the village issue its bonds in the sum of eighty thousand dollars for the purpose of establishing, constructing and maintaining a system of public sewers?—Yes." And "Shall the village issue its bonds in the sum of eighty thousand dollars for the purpose of establishing, constructing and maintaining a system of public sewers?—No."
Act governing.	
Ballot, form of.	
Canvass.	The ballots shall be deposited in a separate ballot box provided for that purpose, and the vote cast shall be canvassed and certified in the same manner as the votes cast for village offices at an annual election.
Bond issue; signatures and denominations	SEC. 3. If such loan shall be authorized by a majority of said electors, such bonds, signed by the president of the village and countersigned by the clerk thereof, may be issued in such denominations and payable at such places as the village council shall determine, and may be regulated by or under the direction of said council, and the money raised therefrom shall be applied for the purpose aforesaid under the direction of said council.
Special election for re-submission.	SEC. 4. In case a majority of the electors of said village shall not authorize the issue of said bonds at the first election held under the provisions of this act, then the same proposition may be again submitted to the electors by the village council, at any annual or special election duly called, at any time within two years from the approval of this act.
Tax levy.	SEC. 5. The said village council shall have the power to raise by taxation upon the taxable property of said village such sum or sums of money as shall be necessary and sufficient to pay the principal and interest of said bonds, as the same shall fall due.
Act governing bond issue.	SEC. 6. The construction of such sewers and the issuance of such bonds shall be governed in all respects as provided in

act number three of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," and acts amendatory thereof, except as herein otherwise provided.

This act is ordered to take immediate effect.

Approved February 12, 1907.

[No. 349.]

AN ACT to authorize the village of Houghton, in Houghton county, to provide money for the construction of public sewers.

*The People of the State of Michigan enact:*

SECTION 1. The president and trustees of the village of Houghton, in Houghton county, are hereby authorized and empowered to borrow, on the faith and credit of said village, a sum not exceeding fifty thousand dollars for a term not exceeding ten years, at a rate of interest not exceeding six per cent per annum, and to execute the bonds of the village therefor, under the seal of said village in such form as they, the said president and trustees, shall determine, which bonds shall in no case be disposed of for a less sum than their par value. Bond issue.

SEC. 2. Such money shall not be borrowed, nor such bonds issued, unless the majority of the qualified electors of said village, voting at a special election to be called for the purpose of voting on said loan, shall so determine; and said president and trustees are hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said village, giving due notice thereof, by causing the date, places of voting and object of said election to be published in some newspaper published and circulating in said village, if any, once in each week for three successive weeks immediately preceding such election, and by posting notices of the same character in five public places in said village, not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed. Majority to determine at special election.  
Who may call special election; notice, how given.

SEC. 3. The vote upon the proposition shall be by printed ballot. Ballots in favor of such proposition shall be in the following words: "For the sewerage loan—Yes," and ballots against the same shall be in the following words: "For the sewerage loan—No." And it shall be the duty of the said president and trustees to provide at the polls at such election during the whole time when the same shall be open, a sufficient number of ballots, both for and against such proposition, Ballots, form and number of.

Conduct of election. printed in the form above indicated to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in their village elections, and immediately upon the conclusion of such canvass the inspectors of the elections shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same, respectively, and not later than the day following such election said inspectors shall endorse upon such certificate and declaration in writing, over their hands and seals, all the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said village, to be preserved by him among the archives of said village.

Money to be used for sewerage. SEC. 4. Any money borrowed under the provisions of this act shall be expended in extending the sewerage system of said village, and the bonds issued under the provisions of this act shall be designated as the "West Houghton Sewerage Bonds," and shall be regularly dated and numbered in the order of their issue; which bonds shall be for such sum as said president and village trustees shall deem most advisable, and shall be issued under the seal of the village, signed by the village president and the village clerk. The proceeds of the sale of said bonds shall be paid to the village treasurer and be credited to the West Houghton Sewerage Fund, and applied exclusively to the purposes for which said fund is constituted as above.

Bonds, how designated.

Proceeds, how credited.

This act is ordered to take immediate effect.

Approved February 15, 1907.

[No. 350.]

AN ACT to authorize the village of Ford in the county of Wayne to borrow money and issue its bonds therefor, for the purpose of paving Biddle avenue from the southerly to the northerly limits of said village.

*The People of the State of Michigan enact:*

Bonds, authority to issue. SECTION 1. The village council of the village of Ford, in the county of Wayne, is hereby authorized and empowered to borrow money on the faith and credit of said village, and to issue the bonds of said village therefor, to an amount not exceeding eighty-eight thousand dollars, which shall be expended under the direction of said council for the purpose of paving Biddle avenue from the southerly to the northerly limits of said village: *Provided*, That a majority of the qualified electors of said village, present and voting at an annual or at a special election duly called by said council for that purpose, shall vote therefor.

Proviso, majority vote.



SEC. 2. The question of borrowing said money and issuing said bonds shall be submitted by the village council to the electors thereof at an annual election or a special election duly called for that purpose, and the vote shall be taken as nearly as may be in accordance with the provisions of an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five. The vote upon such proposition shall be by ballot, either printed or written, or partly written or printed, and the proposition shall be stated in the following form: "Shall the village of Ford borrow not to exceed eighty-eight thousand dollars and issue its bonds therefor, for the purpose of paving Biddle avenue—Yes." And "Shall the village of Ford borrow not to exceed eighty-eight thousand dollars and issue its bonds therefor, for the purpose of paving Biddle avenue—No." The ballots shall be deposited in a separate ballot box provided for that purpose, and the votes cast at said election shall be canvassed and certified in the same manner as the votes cast for village officers at an annual election.

Question,  
when sub-  
mitted.

Vote to be  
by ballot;  
form of.

Canvass of  
vote, etc.

SEC. 3. If such loan shall be authorized by a majority of said electors, such bonds, bearing a rate of interest not exceeding five per cent per annum, may be issued in such sums not exceeding the sum hereinbefore limited, in such denominations and payable at such times and places as the said village council shall determine and direct, not exceeding thirty years from the date thereof. Such bonds shall be signed by the president of the village, countersigned by the clerk thereof, and negotiated by or under the direction of the village council, and the money raised therefrom shall be applied to the purpose hereinbefore specified, under the direction of said council, but no bond or bonds issued under authority of this act shall be negotiated at less than its par value.

Bonds, de-  
nomination  
and rate,  
how fixed.

Who to sign.

SEC. 4. The said village council shall have the power to raise by taxation upon the taxable property of said village such sum or sums of money as shall be necessary and sufficient to pay the principal and interest accruing on said bonds as fast as the same shall fall due.

Tax levy.

This act is ordered to take immediate effect.

Approved February 19, 1907.

[No. 351.]

AN ACT to authorize school district number four of the township of Ecorse, county of Wayne and State of Michigan, to borrow money and issue bonds therefor in the sum of one hundred thousand dollars, to be used in the erection of a school building or school buildings in said district, and furnishing the same and in the purchase of a site or sites therefor.

*The People of the State of Michigan enact:*

Authority to  
borrow  
money and  
issue bonds.

SECTION 1. School district number four of the township of Ecorse, county of Wayne and State of Michigan, is hereby authorized and empowered to borrow on the faith and credit of said school district a sum of money not to exceed one hundred thousand dollars, for a term not exceeding thirty years from date of issue, at a rate of interest not exceeding five per cent per annum, payable semi-annually, at such place or places as the board of trustees of said school district may determine, and to issue the bonds of said district therefor, in such denominations as the said board of trustees may by a majority vote of all the members elect thereof determine: *Provided, however,* That no such bonds shall be sold for less than par value: And *Provided further,* That no bonds shall be issued or moneys borrowed for the purpose of the construction of said school building or school buildings and for the furnishing of same, or the purchase of a site or sites therefor, until the question of borrowing such sum of money and issuing of said bonds therefor shall be first submitted to a vote of the electors of said school district qualified under the laws of the State of Michigan to vote on questions which directly involve the raising of money by tax for said school district, present at any annual or special meeting appointed and called by the board of trustees of said school district for the purpose of voting thereon, and unless the borrowing of such sum of money and the issue of said bonds therefor shall be authorized by the affirmative vote of a majority of such qualified electors voting upon such proposition at such meeting.

Proviso.

Further proviso, election.

Question, submission and notice of.

SEC. 2. The board of trustees of said district shall submit the question of making such loan and issuing said bonds to the electors mentioned in section one of this act, at any annual meeting of said district, or at any special meeting called by said board for the purpose of voting on such proposition, and public notice of such meeting, which shall contain a statement of the time, place and object thereof, shall be given by said board of trustees, by causing copies of such notice to be posted in at least five public places in said district, not less than six days before the time of such meeting.

Board of inspectors, who to constitute.

SEC. 3. At such annual meeting, or at the special meeting provided for in section two of this act, at which the proposi-

tion of issuing said bonds may be submitted to the electors of said district, the moderator, director and treasurer, formerly called assessor, of said school district, shall constitute a board of inspectors, and cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open for two hours after the time fixed for the meeting, in the notices thereof. The vote upon such proposition shall be by ballot, either printed or written, or partly printed or partly written, and the proposition stating the sum to be borrowed each time a vote is taken, shall be stated upon such ballots in the following form: "For borrowing the sum of..... dollars, and issuing the bonds of school district number four, of the township of Ecorse, Wayne county, State of Michigan, therefor, at not to exceed five per cent interest per annum and for not to exceed thirty years, to be used in the erection of a school building or school buildings in said district, and furnishing the same, and in the purchase of a site or sites therefor—Yes," and "For borrowing the sum of..... dollars and issuing the bonds of school district number four, township of Ecorse, Wayne county, State of Michigan, therefor, at not to exceed five per cent interest per annum, and for not to exceed thirty years, to be used in the erection of a school building or school buildings in said district, and furnishing the same, and in the purchase of a site or sites therefor—No." And the ballots shall be deposited in a separate ballot box provided for the purpose. At the closing of the polls the inspectors shall canvass the ballots and publicly declare the result thereof, and record the same in the school district records.

Ballot, form  
of.

Separate  
ballot box.  
Canvass.

SEC. 4. If at such meeting a majority of such qualified electors present thereat and voting upon such proposition shall vote in favor of such loan and issuing said bonds therefor, the board of trustees of said district shall thereupon be authorized to borrow not to exceed the sum of one hundred thousand dollars, and to issue the bonds of said district therefor, which bonds shall be executed in such proper form and by such officers of the board as the board of trustees of said district shall direct, and said bonds may be disposed of from time to time in such quantities as such board of trustees may deem necessary.

Majority  
vote to de-  
termine.

SEC. 5. The money borrowed under the provisions of this act shall be applied as follows, viz.: To the construction and erection of a school building or school buildings, and for the furnishing of the same for the use of said school district, and for the purchase of a site or sites therefor, to be located in such place or places as the board of trustees of said district may determine.

Money, how  
applied.

SEC. 6. It shall be the duty of said board of trustees of said school district number four, of township of Ecorse, to provide by tax upon all the taxable property in said school district, or from any fund it may have on hand and not otherwise appropriated, for the payment of said one hundred thou-

Tax levy, etc.

sand dollars, and interest, upon all bonds issued under authority of this act, and the board of trustees of said school district is hereby authorized to raise by tax in each year, in addition to all other school taxes, a sum sufficient to provide for the payment of the interest on said bonds.

Intent of act. SEC. 7. It is the intent and purpose of this act to enable and empower the said school district number four to raise and realize the sum of one hundred thousand dollars, over and above and in addition to all sums which said district may borrow and become indebted for under the general statutes of the State, relative to the indebtedness of school districts, and under any special statute or statutes relating to said school district number four, and this act shall not be construed to limit or impair the power and authority which said school district may have under said general statutes of the State or under said special statute or statutes to borrow money and become indebted therefor, and all sections of the general school law of this State inconsistent with the provisions of this act are and the same shall be inoperative as to said district, but all sections of the general school law not inconsistent with the provisions of this act are and the same shall be and remain in full force in said district.

This act is ordered to take immediate effect.

Approved February 19, 1907.

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[No. 352.]

AN ACT to incorporate the city of Whittemore, in the county of Iosco.

*The People of the State of Michigan enact:*

Territory incorporated.

SECTION 1. The southeast quarter of section three, the southwest quarter of section two, the northeast quarter of section ten and the northwest quarter of section eleven, all in township numbered twenty-one north of range five east, in Iosco county, shall be detached from the township of Burleigh and the territory so detached is hereby incorporated as the city of Whittemore.

Wards.

SEC. 2. The said city shall be divided into two wards, as follows: All that portion of said territory lying north of the center line of the main line track of the Detroit & Mackinac Railway, running east and west through said territory, shall be the first ward of said city. All of said territory lying south of the center line of said railway track shall be the second ward of said city.

Act governing city.

SEC. 3. The said city of Whittemore shall, except as herein otherwise provided, be governed and its powers and duties

defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act numbered two hundred and fifteen of the public acts of eighteen hundred and ninety-five, approved May twenty-seventh, eighteen hundred and ninety-five, and all acts amendatory thereof, which said act, as the same is now or may hereafter be amended, is hereby made and constituted a part of the charter of the city of Whittemore.

SEC. 4. The first election in said city shall be held on the first Monday of April in the year nineteen hundred and seven, or as soon thereafter as may be, and the manner of giving notice of and holding said election shall be the same, as near as may be, as provided in said act numbered two hundred and fifteen, above mentioned, regarding the incorporation of cities of the fourth class; and for the purpose of holding the first election in said city, William Schlechte, Martin Simpson and Edward Williams of the city of Whittemore are hereby designated as election commissioners, whose duty it shall be to provide for the holding of said election according to the provisions of law in such case made and provided; and it shall be the duty of said commissioners of election to appoint upon the day of election two inspectors of election from the first ward of said city and two inspectors of election from the second ward of said city, who shall perform the duties required of them by law at such election. Said commissioners shall canvass the votes as returned by the inspectors, declare the results and issue certificates of election to successful candidates.

First election.

Election commissioners,  
duty, etc.

Canvass.

SEC. 5. All persons who are electors, residents of the territory embraced within said city of Whittemore, and whose names are upon the registration list as qualified electors, shall be entitled to vote at such election.

Who entitled  
to vote.

SEC. 6. There shall be but one voting precinct in said city, which shall comprise the whole thereof, and but one voting place and set of election officers for the whole of said city.

One voting  
precinct.

SEC. 7. The following officers shall be elected by the qualified electors of said city: A mayor, clerk, treasurer, one assessor and four aldermen, being two aldermen from each ward, also one justice of the peace from each ward, and one constable. One such alderman shall be elected for the term of one year and one such alderman for the term of two years from each ward, and thereafter each year one alderman from each ward shall be elected for a period of two years. The mayor of said city shall be ex-officio a member of the board of supervisors of the county of Iosco, and be entitled to vote upon all matters that may be brought before the board of supervisors.

Officers to be  
elected.Alderman,  
term of.

SEC. 8. The treasurer shall in addition to the other powers and duties of his office be the collector of taxes with the power and duties of collector of taxes, as provided by law. The power and duties of school inspectors shall be the same as those of school inspectors of townships.

Collector of  
taxes.School  
inspector.

Appointive  
officers by  
mayor, etc.

SEC. 9. The following officers may be appointed by the mayor by and with the consent of the council: A city attorney, engineer of fire department, a city surveyor, a marshal and a street commissioner, and such other officers as shall be deemed necessary.

Compensation.

SEC. 10. The mayor and aldermen shall serve without compensation.

Certain  
school dis-  
trict not  
affected.

SEC. 11. The school district, now known as school district number two of the township of Burleigh, shall not be affected by this act, either as to its boundaries or control, and shall hereafter be known as fractional school district number two of the city of Whittemore and township of Burleigh, and shall be governed in all matters as provided for in the general school law for the government of fractional school districts in townships: *Provided*, That all taxes to be levied upon the taxable property of said fractional school district number two shall be certified by the district board to the clerk of the city of Whittemore, and also the township clerk of the township of Burleigh, in which such district is in part situated, and the said city clerk shall certify the same to the assessor of said city.

Proviso, dis-  
trict taxes.

Act govern-  
ing rights and  
liabilities.

SEC. 12. Their rights and liabilities, as between the city of Whittemore and the township of Burleigh, shall be adjusted according to the provisions of act number thirty-eight of the public acts of eighteen hundred and eighty-three, entitled "An act to provide for adjustment of rights and liabilities on division of territory of cities and townships;" and any money or funds on hand shall be divided according to the provisions of such act.

Single assess-  
ment district.

SEC. 13. The city of Whittemore shall comprise a single assessment district, and assessments of property and spreading of taxes shall be made therein by the city assessor, who shall be a member of the city board of review and be elected annually at the regular city election and who shall hold the office for the term of one year, or until his successor is elected and qualified; and he shall receive such compensation for his services as the city council shall provide.

Compensation  
of assessor.

This act is ordered to take immediate effect.

Approved February 21, 1907.

[No. 353.]

AN ACT to provide for the holding of a primary election for any political party, which has voted to adopt the provisions of act one hundred eighty-one of the public acts of nineteen hundred five, in the fifth congressional district, to elect a party candidate for the office of representative in congress, to fill vacancy in said district.

*The People of the State of Michigan enact:*

SECTION 1. A primary election shall be held in the fifth congressional district on the first day of April, nineteen hundred seven, at which time all political parties in the fifth congressional district, which have adopted the provisions of act one hundred eighty-one of the public acts of nineteen hundred five, shall elect a candidate for the office of representative to fill vacancy in said district.

Primary election to fill vacancy in office of representative.

SEC. 2. The Secretary of State shall, immediately after the passage of this act, notify the sheriff of each of the counties embraced in the said fifth congressional district of the time designated for the holding of such primary election, the particular political party or parties for which such primary election shall be held, the cause of the vacancy, the name of the officer, and the time when his term of office shall expire.

Notice to sheriff of each county.

SEC. 3. Upon receipt of such notice from the Secretary of State, it shall be the duty of the sheriff to immediately cause a notice, in writing, to be delivered to the township clerk in each township, and to the city clerk of each city in his county, which notice shall contain in substance the data and information contained in the notice received by him from the Secretary of State.

Notice to township and city clerks; what to contain.

SEC. 4. The township clerk of each township, or city clerk of each city, receiving the notice authorized in section three of this act and required to be delivered to him, shall, within two days thereafter, by notice in writing under his hand, give notice of the said primary election in similar manner to that provided in the general election law, which shall state the time and place at which such primary election is to be held; the particular political party or parties which shall participate in said primary election, and the office for which a candidate is to be selected, which primary election shall be held at the place where the preceding September primary election, held under authority of act one hundred eighty-one of the public acts of nineteen hundred five, was held, or at such other place as the township board or board of election inspectors shall prescribe. Such notice shall state the name of the person in whose office the vacancy shall have occurred, and that a candidate to be subsequently voted for shall be selected at such primary election. It shall be the duty of the township clerk or city clerk to cause such notices to be posted in at least

Township clerks, etc., to give notice.

Election, where held.

Vacancy to be stated.

Posting of notices.

three of the most public places in such township or in each voting precinct.

Printing of  
name on of-  
ficial ballot.

Proviso, suf-  
ficiency of  
petition, how  
determined.

Form of pe-  
tition.

Date of re-  
ceiving pe-  
titions.

Sec'y of State  
to certify  
names to be  
printed.

Further prov-  
iso.

Proviso, en-  
rollment.

Act govern-  
ing challenges  
etc.

Preparation  
of official  
ballot.

Order of  
names.

SEC. 5. Any qualified person may have his name printed upon the official ballot of his political party, to be used at the said primary election, by filing with the Secretary of State a petition signed by a number of qualified enrolled voters, constituting not less than two per cent, nor more than four per cent., of the vote cast for the candidate of his political party for representative in congress in said district, at the last preceding general election: *Provided*, That in determining the sufficiency of the petition, the Secretary of State shall not count the name of any person upon such petition unless such name appears upon the enrollment taken and furnished to the Secretary of State, under authority of said act one hundred eighty-one of the public acts of nineteen hundred five. The form of petition shall be that prescribed in section two of chapter five of said act number one hundred eighty-one of the public acts of nineteen hundred five. The Secretary of State shall receive the nomination petitions of candidates up to four o'clock in the afternoon of the thirtieth day prior to the said first day of April. It shall be the duty of the Secretary of State to determine the sufficiency of the nomination petitions, and he shall certify to the respective boards of election commissioners of the various counties embraced in said congressional district the name or names of all such candidates as are entitled to have their names placed upon the primary election ballot of such political parties as come within the provisions of this act: *Provided, further*, That any person who is a qualified enrolled voter, or who becomes an enrolled voter, and who was entitled to participate in the last preceding general election, and who is a member of the particular political party with which he desires to affiliate, all of which facts shall be determined by the board of primary election inspectors, shall be entitled to vote at and participate in the primary election herein provided for: *Provided*, That party voters may be enrolled on a day prior to the general spring election, on which a general registration is taken by the board of registration in the same manner as voters are enrolled under the provisions of act one hundred eighty-one of the public acts of nineteen hundred five. The provisions of act one hundred eighty-one of the public acts of nineteen hundred five, relative to challenging voters and the form of oath to be administered to challenged voters, and the penalties therein prescribed, shall be applicable to this act.

SEC. 6. The respective boards of election commissioners shall prepare the official ballots to be used at such primary election and shall place thereon the names of all candidates certified to them by the Secretary of State. The order of placing the names upon the ballot, and the color and size thereof, shall be determined by the respective boards of election commis-



sioners: *Provided*, That the ballots need not be numbered, nor the corners perforated. The said ballots shall not contain any other proposition than that herein provided for. The number of ballots to be printed shall be twenty-five per cent. more than the number of votes cast for congressman at the last preceding election in said county by that particular political party. Proof copies of the primary election ballot shall be on file in the office of the county clerk for public inspection for at least two days prior to the primary election.

Proviso  
numbering  
and per-  
foration.

Number of  
ballots  
printed.

Proof copies.

SEC. 7. There shall be printed in large type, at the top of the ballot, the words "Official Primary Election Ballot." Underneath these words shall be printed the date on which the ballot is to be used, followed, when necessary, by the designation of the political subdivision, as county, township, city, ward, precinct, etc. Then shall follow, in bold-faced type, the name of the political party represented by such ballot. Underneath the above, there shall appear these instructions: "Make a cross in the square to the left of the name of one candidate." The form of ballot shall be substantially as follows:

"Official  
Primary Elec-  
tion Ballot,"  
form of.

## OFFICIAL PRIMARY ELECTION BALLOT.

March 12th, 1907, second precinct, second ward, City of Grand Rapids,

Kent County.

Republican Party.

Make a cross in the square to the left of the name of one candidate.

- ☐ John Jones.
- ☐ William Smith.
- ☐ Charles Brown.

The provisions of act number one hundred eighty-one of the public acts of nineteen hundred five shall be applicable in the holding of the primary election provided for in this act, in so far as they are not inconsistent with the provisions of this act, and all officers, required to perform duties under said act one hundred eighty-one, are hereby required to perform similar duties under this act, to be compensated in like sum and in similar manner, and, on the day of the party enrollment, each registration board in said fifth district shall be in session and enroll party voters until eight o'clock p. m.

Act govern-  
ing primary.

SEC. 8. Immediately after the close of the primary election, the respective boards of primary election inspectors shall count the ballots and forthwith certify the result to the coun-

Cannass by  
inspectors.

When county canvassers to meet.

Result certified to Sec'y of State.

Duty of state canvassers.

Results certified to election commissioners.

ty clerk. It shall be the duty of the board of county canvassers to meet at the office of the county clerk within five days after the primary election, to canvass the result certified by the respective boards of primary election inspectors. The said board of county canvassers shall, as soon as the vote is canvassed and within five days, certify such result to the Secretary of State. It shall be the duty of the Board of State Canvassers to canvass the vote, certified by the respective boards of county canvassers, within ten days after the said primary election. The said Board of State Canvassers shall, as soon as the vote is canvassed and within ten days, certify to the respective boards of election commissioners of each county embraced within the fifth congressional district, the name of the candidate receiving the greatest number of votes, of each particular political party selecting a candidate under the terms of this act, as the candidate of the particular political party, which name the respective boards of election commissioners shall place upon the official ballot to be prepared for the use of voters at the special election at which such vacancy shall be filled.

This act is ordered to take immediate effect.

Approved February 21, 1907.

[No. 354.]

AN ACT to authorize the city of Midland, in Midland county, to borrow money and issue its bonds therefor, for the purpose of building and constructing a steel bridge with the necessary abutments, piers and wing walls, across the Tittabawassee river, on the old site on Benson street.

*The People of the State of Michigan enact:*

Bonds for bridge.

Proviso, majority to determine.

Further proviso.

SECTION 1. The city of Midland, in Midland county, is hereby authorized and empowered to borrow money and issue its bonds therefor, for the purpose of building and constructing a steel bridge with the necessary abutments, piers and wing walls, across the Tittabawassee river, on the old site on Benson street: *Provided, however,* That said money shall not be borrowed until a majority of the electors voting upon the question at an annual city election, or special election called for such purpose, shall vote in favor of the borrowing of said money: *Provided, further,* That the amount that may be borrowed under the provisions of this section shall not exceed two per cent. of the assessed valuation of the property in the city, as shown by the last preceding tax rolls made therein.

This act is ordered to take immediate effect.

Approved February 21, 1907.

[No. 355.]

AN ACT to provide for two voting precincts in the township of Frederic in the county of Crawford.

*The People of the State of Michigan enact:*

SECTION 1. The township of Frederic, in the county of Crawford, shall be divided into two voting precincts. All that portion of said township described as township twenty-seven north of range four west, and the south half of township twenty-eight north of range four west, shall constitute voting precinct number one. All that portion of said township known and described as the north half of township twenty-eight north of range four west, shall constitute voting precinct number two.

Voting precincts.

First.

Second.

SEC. 2. The polling place for the electors resident and being in the territory above described as precinct number one shall be at the town hall in the village of Frederic in south half of township twenty-eight north of range four west, and the polling place of the electors residing and being in the territory above described as precinct number two shall be at such place as the township board shall direct in the village of Deward, in the north half of township twenty-eight north of range four west.

Polling places.

SEC. 3. The officers of the township of Frederic, who are by law constituted the boards of registration and election, shall be the board of registration and election for precinct number one; and the boards of election and registration for precinct number two shall be appointed by the said township board.

Registration and election officers.

SEC. 4. It shall be the duty of the township board of the township of Frederic to supply the necessary blanks for registration and election and the necessary blanks for the return thereof to be used in such precincts.

Blanks, how supplied.

SEC. 5. The election in the precincts herein provided for shall be conducted in accordance with the provisions of the general laws for the conduct of elections, and the canvass and return of votes in townships having more than one precinct.

Election, canvass and return of vote.

This act is ordered to take immediate effect.

Approved February 21, 1907.

[No. 356.]

AN ACT to confirm the organization of school district number thirteen fractional of Richmond, Lenox and Casco townships in the counties of Macomb and St. Clair.

*The People of the State of Michigan enact:*

School district organization confirmed.

SECTION 1. The organization of school district number thirteen fractional, Richmond, Lenox and Casco townships in the counties of Macomb and St. Clair, as is shown by the records of the township boards of school inspectors of said townships, is hereby confirmed, and the omission on the records of said boards of the proof of the posting of the notices, as required by law, shall not operate to defeat the action, nor shall the lack of posting of said notices operate to defeat the action which is shown by the records to have been in good faith and intent performed by the several boards whose action was necessary in the premises; and the said school district number thirteen fractional of Richmond, Lenox and Casco townships shall be and remain a legally organized school district until otherwise ordered by legislative enactment: *Provided*, That the boundaries of said district may be altered from time to time in the usual way provided by law.

Proviso, alteration of boundaries.

This act is ordered to take immediate effect.

Approved February 21, 1907.

[No. 357.]

AN ACT to authorize the township board of Rockland township, Ontonagon county, Michigan, to spend so much of the contingent fund as they deem necessary for fire protection and sewerage and to legalize their past acts relating thereto.

*The People of the State of Michigan enact:*

Use of contingent fund for fire protection, etc.

SECTION 1. The township board of Rockland township, Ontonagon county, State of Michigan, is hereby authorized to use so much of the contingent fund on hand for the construction and repair of sewerage and fire protection within said township as they deem necessary.

Past acts declared legal.

SEC. 2. All the past acts of the township board of said township relating to the construction and repair of sewerage and fire protection within said township are hereby declared legal.

This act is ordered to take immediate effect.

Approved February 21, 1907.

[No. 358.]

AN ACT to amend section one of act number three hundred ninety-six of the local acts of the year nineteen hundred five, entitled "An act to provide for the election of a county drain commissioner in and for the county of Saginaw, prescribe his powers and duties and fix and provide for his compensation," as amended by act number six hundred fifty-one of local acts of the year nineteen hundred five.

*The People of the State of Michigan enact:*

SECTION 1. Section one of act number three hundred ninety-six of the local acts of the year nineteen hundred five, entitled "An act to provide for the election of a county drain commissioner in and for the county of Saginaw, prescribe his powers and duties and fix and provide for his compensation," as amended by act number six hundred fifty-one of local acts of the year nineteen hundred five, is hereby amended to read as follows: Section amended.

SECTION 1. At the election to be held on the first Monday of April in the year nineteen hundred seven, and each fourth year thereafter, there shall be elected in Saginaw county, by the qualified electors thereof, a county drain commissioner, whose term of office shall begin on the first day of May following his election and continue for four years thereafter and until his successor shall be elected and qualified. Before entering upon the discharge of the duties of his office he shall take, subscribe and file with the county clerk of said county, the constitutional oath of office, and shall also execute and file with said clerk a bond to the county of Saginaw in the penal sum of ten thousand dollars, with two or more sufficient sureties to be approved by the board of county auditors of said county, conditioned upon the faithful discharge of the duties of his said office. County drain commissioner, when elected.  
Term.  
Oath and bond.

This act is ordered to take immediate effect.

Approved February 21, 1907.

[No. 359.]

AN ACT to amend sections one and two of chapter twenty-eight of an act, entitled "An act to incorporate the city of Flint and repeal all acts and parts of acts inconsistent herewith," approved March twenty-one, nineteen hundred one, as amended by act number three hundred seventy-two of local acts of nineteen hundred three, and act number four hundred twenty of local acts of nineteen hundred five, to add thereto six new sections to stand as sections three, four, five, six, seven and nine, to amend section three and renumber the same so as to stand as section eight, and to repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

Sections  
amended.

SECTION 1. Sections one and two of chapter twenty-eight of an act entitled "An act to incorporate the city of Flint and repeal all acts and parts of acts inconsistent herewith," approved March twenty-one, nineteen hundred one, as amended by act number three hundred seventy-two of local acts of nineteen hundred three and act number four hundred twenty of local acts of nineteen hundred five, are hereby amended so as to read as hereinafter set forth, and six new sections are hereby added to said chapter twenty-eight, to stand as sections three, four, five, six, seven and nine, and to read as hereinafter set forth, and section three of said chapter twenty-eight is hereby renumbered so as to stand as section eight thereof, and the same is also hereby amended so as to read as hereinafter set forth:

May accept  
gift, etc.

SECTION 1. The city of Flint is hereby authorized and empowered to accept, receive, hold, own and manage any gift, devise, bequest or grant of money, or other property for charitable, hospital, educational, public parks, or other public purposes.

How ac-  
cepted.

SEC. 2. The common council of the city of Flint may, on behalf of the city, accept any such gift, devise, bequest or grant by a resolution duly passed by a majority of all the aldermen-elect, and may accept the same according to the terms and conditions of such gift, devise, bequest or grant: *Provided, however,* That before any such gift, devise, bequest or grant is accepted or rejected by the common council, the terms thereof shall be spread at large upon the records of the common council, and published in its proceedings at least two weeks before any final action is taken thereon.

Proviso.

Board of  
hospital  
managers.

SEC. 3. All gifts, grants, devises and bequests to the city of Flint for hospital purposes shall be turned over by the city to the board of hospital managers, as the same is now or shall be hereafter constituted, to be expended, managed and controlled by said board, in accordance with the terms and con-

ditions of any such gift, grant, devise or bequest and the provisions of the charter and ordinances of the city of Flint.

Sec. 4. The board of hospital managers is hereby empowered to receive bids and to enter into contracts with the lowest responsible bidder for the erection of hospital buildings and all accessories and additions to the same: *Provided*, That the aggregate cost of the buildings and accessories contracted for shall not exceed the sum available therefor, or which may come into the hands of said board by reason of the provisions of this act or otherwise, for the erection of any hospital building or buildings or any accessories or additions thereto. No contract for the erection of a hospital building or buildings, or any addition or additions thereto, shall be let, except on competitive bids for the same, in pursuance of public notice given by the board for receiving such bids, in such manner and for such length of time as the board of hospital managers shall fix, which shall not in any case be for a shorter time than ten days.

To receive bids.

Proviso.

Competitive bids.

Sec. 5. The board of hospital managers shall have the power and is hereby authorized to employ architects, superintendents, clerks, engineers, agents and subordinates, as it may deem necessary, to carry on the erection of any hospital building or buildings erected by it, or any accessories or additions thereto, or alterations or repairs thereof.

May employ architects, etc.

Sec. 6. The board of hospital managers is hereby given general supervision and exclusive management of any hospital erected and maintained in the city of Flint. It is hereby empowered to employ all such superintendents, physicians, nurses, attendants, and employes, and to purchase all such necessary equipment, apparatus and supplies for the proper conduct and maintenance of any hospital in the city of Flint, as to it may seem advisable: *Provided*, That the board of hospital managers shall annually, on the first Monday in March, make a report to the common council of its doings and of the receipts and disbursements of all money that shall come into its hands, and of any money that may remain in the hands of the treasurer of said board, which report shall be filed with the city clerk. It is also hereby empowered to contract for and cause to be made all necessary alterations or repairs, extraordinary as well as ordinary, on any hospital building or buildings erected in the city of Flint, and any accessories or additions thereto. In case of the total or partial loss or destruction of any hospital building or buildings by fire or otherwise, or in case of any unusual contingency requiring the immediate expenditure of any extraordinary sum of money, the common council of the city of Flint is hereby authorized and empowered to provide such an amount of money as may be necessary to erect the hospital building or buildings, if totally destroyed, or to repair the same, if partially destroyed, or to meet the expense of such unusual contingency, out of any funds on hand belonging to the city of Flint, and in case the city shall not have on hand sufficient funds available, the com-

Supervision of hospitals.

Nurses, equipment, etc.

Proviso, annual report.

Alterations and repairs.

Loss by fire, how repaired.

Included in  
tax levy.

Proviso,  
insurance.

Maintenance,  
levy of tax  
for.

Detailed  
estimate.

Proviso,  
"hospital  
fund."

City poor.

mon council is hereby authorized and empowered to borrow on the faith and credit of the city of Flint such sum or sums as may be necessary therefor, and pay the same over to the board of hospital managers, to be expended by it in meeting the contingency which has arisen. Any and all sums, paid out by the city under the provisions of this section, may be added to the annual estimate and included in the annual tax levy of the city, in such manner and for such year or years as the common council may determine: *Provided*, That in case any loss for which, under the provisions of this section, the city shall advance any funds, shall be covered by insurance, such insurance, when received, to be turned over to the city of Flint to reimburse it, as near as may be, for the amount so advanced.

SEC. 7. In addition to all other taxes authorized to be raised by the city of Flint, and in addition to any sum or sums of money that the board of hospital managers may receive from fees, gifts, donations or otherwise, the common council shall have the power, and may cause to be raised annually by a tax upon the real and personal property within the city of Flint, such sum as may be deemed necessary, not exceeding one mill on a dollar, of the valuation of the real and personal property within said city, according to the valuation thereof, as shown by the last preceding assessment rolls, as reviewed and equalized, which sum, when raised, shall be used for the purpose of paying the cost and expense of maintaining hospitals, and for no other purpose. The amount to be used for hospital purposes shall be determined by a detailed estimate of the requirements therefor, to be furnished annually by the board of hospital managers to the common council, on the last Monday in February, and approved by the common council, and the sum so determined upon shall be approved and voted to be raised by the common council at the same time and in the same manner as is provided by the charter of the city of Flint for the raising of the annual tax levy of said city, and the same shall be levied, spread and collected at the same time and in the same manner as other taxes: *Provided*, That the annual tax levy for hospital purposes shall constitute a separate fund, and shall be spread upon the assessment rolls in a separate column marked "hospital fund," and when so collected shall be turned over by the city treasurer to the regularly appointed and qualified treasurer of the board of hospital managers, taking his receipt therefor.

SEC. 8. The common council shall have power to enact an ordinance, or ordinances, for carrying into effect the provisions of this chapter, not specifically provided for herein. The common council may also provide for the medical care and treatment of the city's poor at said hospital or hospitals in such manner, upon such conditions and under such restrictions as it shall by ordinance or resolution determine.



SEC. 9. All acts or parts of acts inconsistent herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved February 26, 1907.

[No. 360.]

AN ACT to incorporate the city of Scottville in the county of Mason.

*The People of the State of Michigan enact:*

SECTION 1. All that certain tract of land situated in the townships of Custer and Amber, in the county of Mason and State of Michigan, known and described as follows: All of the east half of section thirteen and that portion of the east half of section twenty-four lying north the center of Pere Marquette river, township number eighteen north of range number seventeen west in Amber township; also all of the west half of section eighteen and that portion of the west half of section nineteen lying north of the center of Pere Marquette river, township eighteen north of range sixteen west in Custer township, is hereby declared and constituted a city corporate to be known as the city of Scottville. All of the above described territory excepting that portion of east half of section twenty-four and the west half of section nineteen lying north of the center of Pere Marquette river, now constitutes the village of Scottville.

Territory incorporated.

Village boundaries.

SEC. 2. Said city of Scottville shall be divided into two wards as follows: All of that territory lying west of the north and south section line between sections thirteen and eighteen and twenty-four and nineteen and north of the center of Pere Marquette river shall be the first ward of said city; all of the territory lying east of said section line and north of the center of Pere Marquette river shall be the second ward of said city.

Wards.

SEC. 3. In each ward a supervisor, three aldermen and one constable shall be elected. At the first election one alderman shall be elected for one year, one for two years and one for three years, and annually thereafter one for three years.

Ward officers.

SEC. 4. The said city of Scottville shall, except as herein after provided, be governed and its powers and duties defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act two hundred fifteen of the public acts of eighteen hundred ninety-five, approved May twenty-seven, eighteen hundred ninety-five, and all acts amendatory thereof, which said act, as the same is now or hereafter may be amended, is hereby made and constituted a part of the charter of the city of Scottville.

Act governing.

Supervisor,  
member ex-  
officio board  
of super-  
visors.

SEC. 5. The supervisor of each ward shall, in addition to his other duties and powers, be ex-officio member of the board of supervisors of Mason county, and shall have all the rights, privileges and powers of the several members of said board of supervisors.

Village in-  
debtedness.

SEC. 6. Said city of Scottville shall assume and pay all of the indebtedness of said village of Scottville, and all of the property of said village of Scottville, both real and personal, shall revert to and be owned by said city of Scottville.

Ordinances,  
etc., to re-  
main in  
force.

SEC. 7. All ordinances, by-laws, regulations, resolutions and rules of the common council of the village of Scottville now in force and not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council created under this act and after the same shall take effect.

Village officers.

SEC. 8. The officers of the village of Scottville shall hold their respective offices until the election and qualification of officers under this act.

First city  
election.  
Polling and  
registration  
places.

SEC. 9. The first election in said city shall be held on the first Monday in April, nineteen hundred seven. The polling places and boards of registration for such first election shall be as follows: First ward, in the present village council rooms; second ward, in the G. A. R. building.

Board of  
registration  
and election  
inspectors.

SEC. 10. The following named persons shall constitute a board of registration and of election inspectors in the several wards of said city at the first election held therein, to-wit: In the first ward, William F. Fairbanks, James A. Mead and G. H. Reader; in the second ward, William G. Freedy, Edward E. Kobe and Matthias Christiansen. If any of the above named parties shall for any reason be unable to attend at the meeting of the board of registration or of the election inspectors of the several wards, respectively, the electors present shall have power to fill such vacancies.

Vacancies.

Single assess-  
ment district.

SEC. 11. The city of Scottville shall comprise a single assessment district and assessments of property and spreading of taxes shall be made therein by a city assessor, who shall be appointed at a regular meeting of the city council, held in March each year, and who shall hold his office for the term of one year from the first Monday in April and until his successor is elected and qualified: *Provided, however,* That the first assessor of said city, after this act shall take effect, shall be appointed at the first meeting of the common council elected under the provisions of this act.

Proviso, first  
assessor.

This act is ordered to take immediate effect.

Approved February 26, 1907.

[No. 361.]

AN ACT to authorize the township of Cooper, in the county of Kalamazoo, to borrow money and issue bonds therefor, for the purpose of building a bridge across the Kalamazoo river in said township, and to provide for the payment of the principal and interest on said bonds.

*The People of the State of Michigan enact:*

SECTION 1. The township board of the township of Cooper, in Kalamazoo county, is hereby authorized and empowered to borrow not exceeding seven thousand dollars on the faith and credit of said township, and to issue its bonds therefor; said moneys to be used in the building of a new bridge across the Kalamazoo river in said township at the Breese and Borden crossing, so-called, on the section line between sections three and ten. The sum of seven thousand dollars, hereby authorized to be borrowed, shall be due and payable, one-third in one year, one-third in two years and one-third in three years, together with interest at a rate not to exceed six per cent. per annum.

Bonds for bridge.

Maturity.

SEC. 2. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of said township of Cooper, voting at a general township meeting in said township at any time after the taking effect of this act, shall vote in favor of said proposition. The said township board is hereby authorized and empowered to submit the question of said loan to the qualified electors of said township at such general township meeting. It is hereby made the duty of the township board of said township of Cooper to give due notice thereof in printed or written notices, posted in at least five public places in said township, not less than twelve days prior to said general election, which notices shall state the amount of money proposed to be borrowed.

Majority vote to determine.

When submitted.

Notice, how given.

SEC. 3. The proposition of issuing the said bonds, provided for in section one of this act, shall be submitted to the electors by ballot, which ballot shall be written or printed, or partially written and partially printed, and in the following form:

Ballot, form of.

"For the Breese and Borden bridge loan—Yes."

"For the Breese and Borden bridge loan—No."

Said vote shall be canvassed in the same manner as the votes cast at the regular township meeting and; if on the canvass of said vote it shall be found that a majority of the electors voting upon such proposition have voted in favor of the same, the said township board shall be authorized to issue the bonds of said township, as provided in section one of this act, and it shall be the duty of the township supervisor and treasurer to execute and sign such bonds when issued.

Canvass.

Bonds, how signed.

SEC. 4. It shall be the duty of the township board of the township of Cooper to raise by tax upon the taxable property

Tax levy.

of said township in each of the years following the making of the loan provided for in this act, in addition to the other taxes authorized by law, to be assessed and collected in said township, an amount sufficient to pay one-third of the principal obligation and the interest on the amount unpaid.

Town board  
to issue  
definite orders  
for install-  
ments.

SEC. 5. It is hereby made the duty of the township board of said township of Cooper to issue to the township treasurer definite orders for the payment of the several installments of the principal and interest of the loan in this act provided for, as the same shall become due, and it shall be lawful for the said township board to borrow from the contingent fund of the township such amounts as may be necessary to make up any shortage in the collections on account of the bridge loan tax arising from delinquent taxes in any year.

This act is ordered to take immediate effect.

Approved February 27, 1907.

[No. 362.]

AN ACT to regulate the time of opening and closing the polls in the election districts of the townships of Greenfield, Grosse Pointe and Hamtramck, in the county of Wayne, and of the villages located wholly or partly in said townships, at general and primary elections for State, county, township and village officers.

*The People of the State of Michigan enact:*

Polls, when  
to open and  
close.

SECTION 1. At all State, county, township and village elections, and at all primary elections for the direct nomination of candidates for State, county, township and village offices, the polls in the election districts of the townships of Greenfield, Grosse Pointe and Hamtramck, in the county of Wayne, and of the villages located wholly or partly in said townships, shall open at seven o'clock a. m., standard time, and close at eight-thirty o'clock p. m., standard time.

Repealing  
clause.

SEC. 2. All acts and parts of acts, in so far as they conflict with the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved February 27, 1907.

## [No. 363.]

AN ACT to make townships and cities in Ogemaw county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of said diseases, where said county is now primarily liable for said payment.

*The People of the State of Michigan enact:*

SECTION 1. Hereafter, within the county of Ogemaw, all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for the payment of the same, shall be charged to and paid by the township or city in which the same are incurred, when audited by the township or city board, and shall be paid by said township or city, except as hereinafter specified. Township  
liable for  
claims.

SEC. 2. The board of supervisors of said county shall have power to audit and allow, and order paid by the county any and all claims incurred in the care of persons sick with contagious diseases or diseases dangerous to the public health or incurred in preventing the spread of such diseases, whenever, in the opinion of a majority of the entire members of said board, the township or city primarily liable for said claims, as provided in section one of this act, should be relieved in whole or part from the payment of same. When county  
to pay.

SEC. 3. The said board of supervisors of said county shall have full power to examine into the merits of all claims presented to them in accordance with section two of this act, and upon such examination to allow or reject in whole or in part any such claim. Examination  
of claims.

This act is ordered to take immediate effect.

Approved February 27, 1907.

## [No. 364.]

AN ACT to authorize the board of supervisors of Chippewa county to fix the compensation of members of committees of said board in certain cases, and to legalize the action of the board in voting to compensate members of the board for services performed in superintending and inspecting the construction of the Chippewa county court house.

*The People of the State of Michigan enact:*

SECTION 1. The board of supervisors of the county of Chippewa is hereby authorized to fix the compensation of Per diem of  
committee  
members.

Providso,  
when board  
of supervisors  
in session.

Proceedings  
declared  
legal, etc.

members of committees for services necessarily performed when the board of supervisors is not in session, at not to exceed the sum of three dollars per day for the time actually and necessarily employed by such members of committees, while discharging the duties of any such committee: *Provided*, That nothing herein contained shall be construed to authorize the payment to members of committees of such board compensation for their services as members of any such committee while said board of supervisors shall be in session; nor shall any member of any committee be entitled to payment under the provisions of this act for more than thirty days' services in any one year as member of such committee.

SEC. 2. The action of the board of supervisors of the county of Chippewa in compensating members of the building committee of said board at the October session thereof held at the court house in said county in October, nineteen hundred four, and at the January session of said board held in the court house in said county in January, nineteen hundred five, for services in superintending and inspecting the construction of an addition to the Chippewa county court house, is hereby declared to be legal and valid and such action is ratified and confirmed.

This act is ordered to take immediate effect.

Approved February 27, 1907.

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[No. 365.]

AN ACT to validate certain proceedings of the township board of the township of Charlevoix in the county of Charlevoix and State of Michigan.

*The People of the State of Michigan enact:*

Town pro-  
ceedings  
validated.

SECTION 1. All acts and proceedings of the township board of the township of Charlevoix, county of Charlevoix and State of Michigan, done and had during the years nineteen hundred five and nineteen hundred six shall not be held invalid by reason of the residence of any member of said township board taking part in such proceedings, residing at the time such proceedings were had within the corporate limits of the city of Charlevoix, but all such acts and proceedings of the township board of said township of Charlevoix, if otherwise valid, are hereby validated.

This act is ordered to take immediate effect.

Approved February 27, 1907.

[No. 366.]

AN ACT to detach certain territory from the township of Albee in the county of Saginaw and attach the said territory to the township of Spaulding in said county.

*The People of the State of Michigan enact:*

SECTION 1. So much of the northwest quarter of section one in town ten north of range four east, that lies north of the Flint river, is hereby detached from the township of Albee in the county of Saginaw, Michigan, and the same is hereby attached to and made a part of the territory of the township of Spaulding in said county. Territory detached.

This act is ordered to take immediate effect.

Approved February 27, 1907.

[No. 367.]

AN ACT to amend sections four and nine and to repeal sections eight and sixteen of title seventeen of act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also as part of such charter, the acts controlling the board of education and the board of library commissioners."

*The People of the State of Michigan enact:*

SECTION 1. Sections four and nine of title seventeen of act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the board of education and the board of library commissioners," are hereby amended to read as follows: Sections amended.

SEC. 4. Each of the justices of the peace of the city of Grand Rapids shall receive from the treasury of said city an annual salary of one thousand three hundred dollars, which salary shall be in lieu of all fees, costs and charges to which said justice would be entitled but for the provision of this act, except fees for the performance of marriage ceremonies, for taking acknowledgments and for administering oaths in matters not connected with suits or proceedings in justice courts in said city; such salary shall be paid to said justices in monthly installments as other officers of said city are paid. Salary of justices of the peace.

Each of said justices shall have his court room open and shall Marriage ceremonies, etc.

Salary, how paid.

Court hour

be in attendance from the hour of nine o'clock in the forenoon until twelve o'clock noon, and from the hour of two o'clock in the afternoon until four o'clock: *Provided*, That where either of said justices is actively engaged in the trial of a suit, he shall so continue at least until five o'clock in the afternoon, when it may be necessary so to do in order to finish the trial of the suit in progress. All original writs shall be returnable nine o'clock a. m. city time, and all adjournments for the purpose of putting in pleadings shall be adjourned to nine o'clock a. m. city time. Jury trials shall be set for trial at ten o'clock a. m. city time, or two o'clock p. m. city time; it shall not be necessary for the said justices to wait any length of time after the time fixed by any writ or adjournment in order to dispose of the cases pending before them. Said justices shall have the right to adjourn any cause of their own motion not to exceed six days, and either party shall be entitled to one adjournment on cause shown without the payment of any fee, but after a party has obtained one adjournment, he shall not have any further adjournment except upon good cause shown and the payment of twenty-five cents for each adjournment.

**SEC. 9.** Appeals shall be taken from any judgment of any justice of the peace in the following manner:

**First,** Within five days after the rendition of any judgment the appellant, his agent or attorney shall file an affidavit and bond, and pay the costs as is now required by law to be filed with a county justice of the peace.

**Second,** Appeals may be authorized by the circuit court of Kent county when the party making the appeal has been prevented from making a defense upon the merits of the case in which such appeal is taken by circumstances not under his control; and such appeal may also be authorized by the circuit court of Kent county when in the opinion of such court justice requires that it be granted.

**Third,** Under no circumstances shall any appeal be allowed or authorized after five days from the rendition of judgment, except as herein otherwise provided. In all cases where the parties against whom such appeal is sought have appeared in said justice court by attorney or agent, it will be sufficient to serve such attorney or agent with notices of all subsequent proceedings in such case, and all orders made therein by said circuit court and notices of trial may be served on said attorney or agent and such service shall have the same effect as though made on the party against whom such appeal has been taken.

**SEC. 2.** Sections eight and sixteen of said title seventeen are hereby repealed.

This act is ordered to take immediate effect.

Approved February 27, 1907.



[No. 368.]

AN ACT to amend section twelve of title eighteen of act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the board of education and the board of library commissioners."

*The People of the State of Michigan enact:*

SECTION 1. Section twelve of title eighteen of act number five hundred ninety-three of the local acts of the State of Michigan of the year nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the board of education and the board of library commissioners," is hereby amended to read as follows: Section amended.

SEC. 12. It shall be the duty of the judge of said court to instruct the jury as to the laws applicable to any case on trial before a jury, which instructions shall be received by the jury as the law of the case. The defendant shall have the right to appeal and certiorari from final judgment of said court as provided by law for appeals and certiorari from final judgments of justices of the peace in criminal cases: *Provided*, Such appeal or certiorari shall be taken and perfected within twenty-four hours from the time of the court pronouncing its judgment or sentence. In State criminal cases, appeals and writs of certiorari shall be taken to the circuit court for the county of Kent. Juries shall be drawn and appeals and writs of certiorari, both in city and State cases, shall be taken, perfected and returned in the manner provided by law for like acts before justices of the peace in criminal cases, except as herein otherwise provided. Each juror sworn in police court shall be entitled to receive two dollars for each day's attendance at said court and one dollar for each half day's attendance as such juror, the same to be paid upon the certificate of the clerk of the police court, countersigned by the prosecuting attorney of the county, which said certificate shall authorize the clerk of the county to draw an order upon the county treasurer of the county in favor of said juror for the payment of the fees of such juror and which order shall be paid in like manner as jurors' fees in courts of record are paid. Duty of Judge.  
Right to appeal and certiorari.  
Provido.  
In State criminal cases.  
Juror's fees.

This act is ordered to take immediate effect.

Approved February 27, 1907.

[No. 369.]

AN ACT to authorize the common council of the city of Mount Pleasant to build and construct extensions and improvements to its water system through the board of public works of said city, and purchase the material therefor without letting the same by contract.

*The People of the State of Michigan enact:*

Extension of  
waterworks.

Without con-  
tract.

SECTION 1. The common council of the city of Mount Pleasant is hereby authorized and empowered to construct and build the extensions and improvements to the water system of said city, contemplated at the special election held in said city on the twenty-fourth day of September, nineteen hundred six, and purchase the necessary material therefor through the board of public works of said city without requiring said work to be done or said material purchased by the contract system provided in section three thousand two hundred seventy-one of the Compiled Laws of eighteen hundred ninety-seven; said work to be done and all material to be purchased by said board of public works under such restrictions and regulations as said common council shall provide.

This act is ordered to take immediate effect.

Approved February 28, 1907.

[No. 370.]

AN ACT to amend section five of senate enrolled act No. 8 of the acts of the legislature of nineteen hundred seven, entitled "An act to provide for the holding of a primary election for any political party, which has voted to adopt the provisions of act one hundred eighty-one of the public acts of nineteen hundred five, in the fifth congressional district, to elect a party candidate for the office of representative in congress, to fill vacancy in said district," approved February twenty-one, nineteen hundred seven.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. That section five of senate enrolled act No. 8 of the acts of the legislature of nineteen hundred seven, entitled "An act to provide for the holding of a primary election for any political party, which has voted to adopt the provisions of act one hundred eighty-one of the public acts of nineteen hundred five, in the fifth congressional district, to elect a party candidate for the office of representative in

congress, to fill vacancy in said district," approved February twenty-one, nineteen hundred seven, be and the same is hereby amended so as to read as follows:

Sec. 5. Any qualified person may have his name printed upon the official ballot of his political party, to be used at the said primary election, by filing with the Secretary of State a petition signed by a number of qualified enrolled voters, constituting not less than two per cent., nor more than four per cent., of the vote cast for the candidate of his political party, for representative in congress in said district at the last preceding general election: *Provided*, That in determining the sufficiency of the petition, the Secretary of State shall not count the name of any person upon such petition unless such name appears upon the enrollment taken and furnished to the Secretary of State, under authority of said act one hundred eighty-one of the public acts of nineteen hundred five. The form of petition shall be that prescribed in section two of chapter five of said act number one hundred eighty-one of the public acts of nineteen hundred five. The Secretary of State shall receive the nomination petitions of candidates up to four o'clock in the afternoon of the twentieth day prior to the said first day of April. It shall be the duty of the Secretary of State to determine the sufficiency of the nomination petitions, and he shall certify to the respective boards of election commissioners of the various counties embraced in said congressional district the name or names of all such candidates as are entitled to have their names placed upon the primary election ballot of such political parties as come within the provisions of this act: *Provided, further*, That any person who is a qualified enrolled voter, or who becomes an enrolled voter, and who was entitled to participate in the last preceding general election, and who is a member of the particular political party with which he desires to affiliate, all of which facts shall be determined by the board of primary election inspectors, shall be entitled to vote at and participate in the primary election herein provided for: *Provided*, That party voters may be enrolled on a day prior to the general spring election, on which a general registration is taken by the board of registration in the same manner as voters are enrolled under the provisions of act one hundred eighty-one of the public acts of nineteen hundred five. The provisions of act one hundred eighty-one of the public acts of nineteen hundred five, relative to challenging voters and the form of oath to be administered to challenged voters, and the penalties therein prescribed, shall be applicable to this act.

Printing of name on primary election ballot; petition, etc.

Proviso, sufficiency of petition.

Form of.

Sec'y of State when to receive petitions.

Nomination petitions, who to determine sufficiency of.

Further proviso, who may vote.

Proviso, enrollment.

Challenges; act governing.

This act is ordered to take immediate effect.

Approved March 1, 1907.

[No. 371.]

AN ACT to incorporate the city of Boyne City and to repeal all acts and parts of acts relative to the incorporation of the village of Boyne City.

*The People of the State of Michigan enact:*

Incorporation;  
description  
of territory.

SECTION 1. All that portion of sections twenty-five, twenty-six, twenty-seven, thirty-three, thirty-four, thirty-five and thirty-six, of township thirty-three north of range six west; also that portion of sections one, two and three of township thirty-two north of range six west, all in Charlevoix county, State of Michigan, and described as follows, to-wit: All of sections twenty-seven, thirty-four and thirty-five; also the west half of section twenty-six lying south of the Bear Lake road; also the south half of the southeast quarter of section twenty-six; also all the southwest quarter of the southwest quarter of section twenty-five; also the west half of section thirty-six; also the southeast quarter of the southeast quarter of section thirty-three; all being in township thirty-three north of range six west; also the north half of the northwest quarter of section one; the north half of the northeast quarter, and the northwest quarter of section two; and the north half of the north half of section three, all in township thirty-two north of range six west, is incorporated and made, constituted and organized into a city to be known as the city of Boyne City.

Wards.

SEC. 2. The said city shall be divided into four wards, as follows, to-wit: The first ward shall embrace all that portion of the city lying north of the center line of Vogel street extended; the second ward shall embrace all that portion of the city lying south of the center line of Vogel street and north of the center line or thread of Boyne river; the third ward shall embrace all that portion of the said city lying south of the center or thread of Boyne river and east of the center line of Lake street extended; the fourth ward shall embrace all that portion of said city lying south of the center or thread of Boyne river and west of the center line of Lake street extended.

City, act  
governing.

SEC. 3. The city of Boyne City hereby incorporated shall, except as herein otherwise expressly provided, be governed by the provisions of act number two hundred fifteen of the session laws of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seven, A. D. eighteen hundred ninety-five, and the amendments thereto.

Election,  
when held.

SEC. 4. The first election in and for the said city of Boyne City shall be held on the first Monday of April, A. D. nineteen hundred seven, provided there shall be sufficient time after the passage of this act to make a registration of the electors and give the notice of election by law required, and

if there shall not be sufficient time for that purpose then such first election shall be held on the third Monday in April, A. D. nineteen hundred seven, and the succeeding annual city elections on the first Monday in April in each year thereafter.

Sec. 5. The president and trustees of the common council of the village of Boyne City now in office, and all other officers of said village now in office, whether elected or appointed, shall continue in office until the officers provided by this act shall have been elected or appointed, and shall have qualified to perform their duties under the provisions of this act.

President and trustees to continue in office.

Sec. 6. All township officers of the township of Evangeline, Charlevoix county, State of Michigan, that are residents of and located within the limits hereby incorporated as the city of Boyne City, shall hold their office and perform all of their official duties as such officers for the said Evangeline township until the township election on the first Monday in April, A. D. nineteen hundred seven, and until their successors are elected and qualified.

Township officers to continue in office.

This act is ordered to take immediate effect.

Approved March 5, 1907.

[No. 372.]

AN ACT to create a new voting precinct in the township of Stambaugh, in the county of Iron, to be denominated and known as election precinct numbered four of said township.

*The People of the State of Michigan enact:*

SECTION 1. That all of sections one, twelve and thirteen, in township forty-two north of range thirty-five west, and all of sections four, five, six, seven, eight and nine, in township forty-two north of range thirty-four west, now embraced in the organized township of Stambaugh, Iron county, Michigan, shall constitute a new voting precinct therein and be denominated and known as election precinct numbered four of said township of Stambaugh.

Precinct four; territory embraced.

SEC. 2. The supervisor of said township, or the clerk thereof, shall give ten days' notice of the creation of said precinct numbered four by posting written or printed notices thereof in three public places within the territory herein described and embraced in the new precinct numbered four, of the first election to be held therein before the first Monday in April, nineteen hundred seven.

Notice given of new precinct.

SEC. 3. There shall be a new registration of all qualified electors residing within the territory of said precinct numbered four, previous to the first election held therein. The township board of said township may act as said board of

New registration.

registration, or the supervisor thereof may appoint a board of registration of the qualified electors residing within the territory embraced in said new precinct to register the names of all qualified electors residing in said new precinct numbered four.

Register provided.

SEC. 4. The township board of the township of Stambaugh shall provide at the expense of said township of Stambaugh a suitable register for said registration, in which shall be registered the names of all qualified electors residing in said new precinct, who shall present themselves for registration in the manner provided by law.

Election and registration place.

SEC. 5. All qualified electors residing in said election precinct numbered four, as herein described and defined, shall register their names and cast their ballots at such place within said precinct numbered four as the supervisor of said township shall designate as the place of registration and election of said precinct numbered four.

Books, polling lists, etc., how provided.

SEC. 6. The township board of said township shall furnish all books, polling lists, ballot boxes and other things necessary to conduct the registration and elections of said precinct numbered four, as required by law, at the expense of said township. All elections held in said precinct numbered four shall be conducted according to the provisions of the general laws for the conduct of elections, and the canvass and return of votes shall be made in the same manner as required by law in townships having more than one precinct.

This act is ordered to take immediate effect.

Approved March 6, 1907.

[No. 373.]

AN ACT to authorize the township of Weldon, Benzie county, Michigan, to borrow money and to issue bonds therefor for public improvements in said township and to provide for the levy and collection of taxes on the taxable property of said township to pay the same in addition to the other taxes now provided by law.

*The People of the State of Michigan enact:*

Bonds for public improvements.

SECTION 1. The township of Weldon, Benzie county, Michigan, is hereby authorized and empowered to borrow money on its faith and credit and through its duly authorized agents and officers to issue bonds therefor, to an amount not to exceed five thousand dollars, to be expended in said township in making such public improvements as the voters of said township may designate and at such place in said township as the voters of said township may designate by a majority of those voting at an election hereafter to be called.

SEC. 2. Before any such loans shall be made or bonds issued the township board of said township shall, by resolution, provide for the submission of the question of making said loan and issuing said bonds to a vote of the electors of said township. Said resolution shall be submitted by the township board to a vote of the electors of said township and if, upon such submission, said resolution shall be authorized by a vote of the majority of the electors voting thereon at any general or special election, said bonds may be issued in such sums and not exceeding the amount hereinbefore limited and payable at such times not to exceed twenty years from the date of said bonds with such rate of interest not exceeding seven per cent per annum as the township board of said township shall direct, and shall be duly signed by the supervisor and the clerk of said township and when negotiated by or under the direction of said township board the money arising therefrom shall be appropriated and paid out by the proper authorities of said township for the purposes specified in this act. And it shall be duty of the township board to raise by tax on the taxable property of said township all such sums as shall be sufficient in amount to pay the interest on said bonds from time to time as necessary and to pay said bonds as the same may become due, all former acts or parts of acts to the contrary notwithstanding.

Submission  
of question.Majority vote  
to decide.Maturity and  
interest.

Tax levy.

SEC. 3. The notices of said election shall contain a copy of the resolutions passed by the township board and shall be printed in the Thompsonville News for at least twenty days before said election and posted in at least five conspicuous places for a like number of days. At the election printed ballots shall be provided and all voters against said loan shall use a ballot containing the words, "Against the Loan," and all voters for said loan shall use a ballot containing the words, "For the Loan," and the vote shall be canvassed and the result declared as at other elections.

Notices, what  
to contain;  
printing and  
posting of.Form of  
ballot.

This act is ordered to take immediate effect.

Approved March 6, 1907.

## [No. 374.]

AN ACT to amend house enrolled act number one of the acts of the legislature of nineteen hundred seven, entitled "An act to place the county road commissioners of Menominee county under the control of the board of supervisors of that county, and to prescribe the powers and duties of the board of supervisors and the board of county road commissioners in relation thereto, and to provide for the election of county road commissioners by the board of supervisors," approved January twenty-four, nineteen hundred seven.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section one of house enrolled act number one of the acts of the legislature of nineteen hundred seven, entitled "An act to place the county road commissioners of Menominee county under the control of the board of supervisors of that county, and to prescribe the powers and duties of the board of supervisors and the board of county road commissioners in relation thereto, and to provide for the election of county road commissioners by the board of supervisors," approved January twenty-four, nineteen hundred seven, is hereby amended to read as follows:

Board of  
supervisors  
to elect  
county road  
commissioner.

SECTION 1. In the county of Menominee on and after the passage of this act, whenever the term of office of a county road commissioner shall be about to expire his successor shall be elected by the board of supervisors at the regular meeting of said board next preceding the expiration of the term of office of said county road commissioner, or at a special meeting of said board called for that purpose, and a majority vote of the supervisors elect shall be required to elect.

This act is ordered to take immediate effect.

Approved March 6, 1907.

## [No. 375.]

AN ACT to make townships, cities and villages in Monroe county liable for the payment of claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where the county is now primarily liable.

*The People of the State of Michigan enact:*

Liability for  
claims in-  
curred by  
contagious  
diseases.

SECTION 1. Hereafter, within the county of Monroe, all claims incurred in the care of persons sick with contagious or infectious diseases, or diseases dangerous to the public



health, or incurred in preventing the spread of such diseases, shall be charged to and paid by the township, village or city in which the same are incurred, pursuant to contract made by the local board of health of such township, village or city.

SEC. 2. In case the local board of health shall neglect or omit to agree with physicians rendering services under their direction the amount of compensation for such services, the compensation therefor shall be such sum as the township board, village or city council shall deem just under the circumstances, but shall not be less than one dollar per visit for the first case in any one building or family, and fifty cents per visit for each additional case, not exceeding four, in any one building or family.

Physicians' claims, how adjusted.

SEC. 3. The board of supervisors of said county shall have power to audit and allow, and order paid by the county, all claims incurred in the care of persons sick with contagious or infectious diseases or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, either upon the request of the local board of health under whose jurisdiction the expenses were incurred, or of the township board or village or city council of the municipality primarily liable for such expenses, or of the party rendering such services or furnishing materials or medicines, whenever in the opinion of a majority of all the members elect of said board, the township, city or village primarily liable for said claims, should be relieved in whole or in part from the payment of such claims.

When county to pay claims.

SEC. 4. The board of supervisors of said county shall have full power to examine into the merits of all claims presented to them under this act, and may subpoena witnesses; and shall have power to reject, in whole or in part, any such claim.

May examine claims, subpoena witnesses, etc.

This act is ordered to take immediate effect.

Approved March 6, 1907.

[No. 376.]

AN ACT to authorize the townships of Paris and Wyoming in the county of Kent, to provide and to contract for a water supply for fire protection and other purposes.

*The People of the State of Michigan enact:*

SECTION 1. Each of the townships of Paris and Wyoming in the county of Kent, is hereby authorized and empowered, acting through their respective township boards, to provide a supply of pure water for its inhabitants and for a supply of water for fire protection and other purposes, in such a man-

Township boards to provide for water supply.

Highway  
commissioner.

ner as shall be deemed sufficient by such board. For the purpose of this act the highway commissioner of each township shall act with the township board.

Limit of  
contract.

SEC. 2. Each of the said township boards, acting on behalf of said townships, may contract for a period of time not exceeding thirty years, with any person or persons or with any duly authorized corporation, for the purpose of supplying its said township or any part thereof and the inhabitants thereof, with pure water and with water for fire protection, upon such terms and conditions as may be agreed upon.

Taxation and  
charges, how  
fixed.

SEC. 3. Each of said township boards may, as conditions of the contract between its said township and the person or persons or corporations contracted with, and as considerations of the furnishing of such water supply to said township, fix and limit the rate and amount of taxation to be paid on the property used in furnishing such water supply, as well as the rates and charges to be received and collected from the inhabitants or institutions served and furnished with such water, and grant the right to use any or all of the streets, highways, alleys or public grounds of its said township in such a manner and to such an extent as in its discretion shall be sufficient to enable such person, persons or corporations to construct, maintain and operate proper works for the supplying of water for the use of such townships and the inhabitants thereof, upon such terms and conditions as shall be specified in the contract entered into: *Provided*, That no exclusive rights shall be given in any street or highway not actually occupied or to be occupied by the mains or pipes or works of such person, persons or corporation: *Provided further*, The said boards of either of said townships shall not assess any tax for any of the purposes of this act against either of said townships.

Use of  
streets, etc.

Proviso.

Further  
proviso.

This act is ordered to take immediate effect.

Approved March 6, 1907.

[No. 377.]

AN ACT to authorize the township of Wheatland, in the county of Mecosta and State of Michigan, to acquire by purchase, gift or devise real estate, and to own, hold and control the same for a free public park; to provide for a board of park commissioners, and to authorize said township to provide by tax for the purchase, care, maintenance and control thereof, and to make rules for the government and control thereof.

*The People of the State of Michigan enact:*

Real estate  
for public  
park.

SECTION 1. The township of Wheatland, in the county of Mecosta and State of Michigan, is hereby authorized to

acquire by purchase, gift or devise a tract of real estate not exceeding fifteen acres in extent for a free public park, and is hereby authorized to own and hold such real estate for such purpose.

SEC. 2. The township board of said township shall constitute a board of park commissioners to have the care, management and control of said free public park, and the members of said township board shall respectively act as such park commissioners during the terms for which they shall have severally been elected, and until their successors shall be elected and qualified. Said board of commissioners shall have power to make all necessary rules and regulations for the care, maintenance, government and control of such free public park and for the erection of buildings thereon, and may make leases for the erection of buildings thereon under such rules as it shall deem expedient: *Provided*, That under no circumstances shall intoxicating liquors of any description be sold, furnished, given or delivered on said premises or in or on said public park by or to any person or persons whomsoever.

Board of park commissioners, how constituted.

Government and control of park.

Proviso, intoxicating liquors not to be sold.

SEC. 3. The supervisor of said township shall be the chairman of said board of park commissioners; the township clerk of said township shall be the secretary of said board and the township treasurer of said township shall be treasurer thereof. The secretary shall keep a full and complete record of all the proceedings and transactions of said board of park commissioners, which shall be a public record open to the inspection of all persons at all reasonable times the same as other township records of said township. The board of commissioners may appoint such officers and employes from time to time to properly carry out the powers hereby conferred on said board as may be necessary. All officers and employes appointed by said board shall hold their several positions during the pleasure of said board.

Membership of park commission.

Record of proceedings.

Officers and employes.

Term.

SEC. 4. Said township is hereby authorized to raise by tax not to exceed the sum of one thousand dollars for the purchase of said real estate, and may also raise by tax each and every year after the same shall have been acquired not more than two mills on each dollar of the valuation of the taxable property of said township as appears by the tax roll of said township for the preceding year, for the care, support, maintenance, government and control of said free public park and the buildings thereon and to be put thereon. Said moneys so raised by tax shall be levied and collected in the same manner as all other township taxes are levied and collected and shall be paid out and disbursed by the treasurer of said township on the orders of the chairman and secretary of said board of park commissioners: *Provided*, That no orders shall be drawn on said moneys until the same shall have been audited by said board of park commissioners. Meetings of said board may be called from time to time by the chairman thereof under such rules and regulations as shall be adopted

Limit of tax may levy.

Levy and collection.

Proviso, orders audited. Meetings.

Further proviso, annual meeting.	by said board, and a majority thereof shall constitute a quorum for the transaction of business: <i>Provided further,</i> That the annual meeting of said board shall be held at the same time as the regular annual meeting of the township board, and said board of park commissioners shall report in writing, in detail, all their doings for the preceding year at every annual township meeting. All moneys collected under the terms hereof shall be considered township moneys and the bond to be given by the township treasurer of said township under the general law shall apply to and cover all moneys collected under this act.
Township moneys.	
Election for submission.	SEC. 5. The proposition to purchase said real estate shall be submitted to the qualified voters of said township at the annual township meeting in the month of April in the year nineteen hundred seven, and if a majority of the voters voting at said election upon said proposition shall be in favor thereof it shall be considered binding on said township and the board of park commissioners hereby created shall proceed to carry out the terms of this act. All conveyances for any of said real estate shall run to and be held in the name of said township. The manner of conducting, noticing, counting, canvassing, returning and declaring the result of said election on said proposition shall, as near as may be, be the same as is now prescribed by the general election laws governing elections in said township for the election of township officers.
Conveyances.	
Law governing election.	
Property exempt from taxation.	SEC. 6. So much of said real estate and personal property as shall be from time to time owned by said township for the purposes contemplated by this act shall be exempt from taxation of all kinds, except that all improvements made under lease or otherwise by private persons, if any, for private purposes, shall be liable to be taxed the same as other private property.
	This act is ordered to take immediate effect.
	Approved March 6, 1907.

[No. 378.]

AN ACT to amend section fifteen of an act, entitled "An act to create a light and power commission in the city of Marquette, Michigan, and to define its powers and duties," approved March eighteen, eighteen hundred ninety-seven, and to add three new sections thereto to stand as sections twenty-one, twenty-two and twenty-three, and to repeal all acts or parts of acts contravening the provisions of this act.

*The People of the State of Michigan enact:*

SECTION 1. Section fifteen of an act, entitled "An act to create a light and power commission in the city of Marquette, Michigan, and to define its powers and duties," approved March eighteen, eighteen hundred ninety-seven, is hereby amended and three new sections added thereto to stand as sections twenty-one, twenty-two and twenty-three, said amended section and the said new sections to read as follows:

SEC. 15. The said commission shall have power to borrow from time to time upon the best terms they can make, for such time as they shall deem expedient and at a rate of interest not exceeding seven per cent. per annum and at as much lower rate as possible, various sums of money, in addition to the indebtedness existing at the time of the passage of this amendatory act, such sums hereafter borrowed not exceeding in the aggregate the sum of one hundred thousand dollars, upon the credit of said city of Marquette; and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall issue under the seal of said commission and shall be signed by three of said commissioners and countersigned by the controller; and it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom issued; and it shall also be their duty to present said bonds to the controller of said city for entry upon the records of said city kept by him, and the controller shall certify on each bond that such record has been made: *Provided*, That no such bonds shall be issued until the amount proposed to be raised shall have been submitted to the legal voters of said city and been approved by a majority vote by ballot of the electors of said city, voting at any annual or special election therein: *Provided, further*, That the submission to and approval by the electors of a portion of the above authorized bond issue shall not be construed to exhaust the authority hereby given: And, *Provided, further*, That the authority to issue new bonds for refunding, contained in section seventeen of this act, shall apply to all bonds issued under this section.

Sections amended and added.

May borrow money and issue bonds.

Proviso, submission to voters.

Further proviso.

Further proviso, refunding.

May acquire  
and hold  
lands, etc.

SEC. 21. For the purpose of increasing and improving the flow of Dead river for water power purposes, said commissioners are hereby authorized to acquire, hold and improve, in any way they deem advisable, all such lands, water powers and rights of flowage, water storage, riparian rights, rights-of-way and other easements and interests in and appurtenant to lands in the water-shed of Dead river, in Marquette county, as such commissioners shall deem advisable; and said commission is hereby authorized to subscribe for, purchase and hold stock in any corporation or partnership association limited, organized for the purpose of improving the flow of Dead river in such manner as to improve the flow thereof at the power plant, or power plants, operated by said commissioners for the purposes of this act: *Provided*, That a majority of the qualified electors of the city of Marquette, voting at any general or special election duly called therefor, shall vote in favor of the said purchase of stock, which said proposition shall be submitted to said electors by the common council of the city of Marquette, in the manner provided by the charter of said city for the submission of such propositions to a vote of the electors.

Proviso,  
submission  
to voters.

Private  
property.

SEC. 22. Said commission is hereby authorized and empowered to take private property within the city of Marquette and within the water-shed of Dead river, in Marquette county, for any of the purposes mentioned in this act and the act hereby amended; and for that purpose may institute and prosecute proceedings under and in conformity with, as near as practicable, the provisions of the charter of the city of Marquette, or any general act now in force, or which may hereafter be enacted, for the taking of private property by municipalities for public use.

Proceedings,  
how governed.

Right to flow  
of water.

SEC. 23. In addition to the rights which said commission has, or may have, in and to the ordinary flow of the waters of Dead river, said commission shall have the right, paramount to the rights of all other parties, to the uninterrupted flow and use of such increase in the flow of waters therein, as is or may be due to the release of waters which have been stored or impounded by such commission, and whenever the flow of waters at any place on said river, or branches thereof above the water power plant of said commission, is increased by the release of waters which have been stored or impounded by said commission, such increased flow of waters shall not be stopped, held back, retarded or delayed by any person; and each instance of such interference with such increased flow of waters shall be considered a separate and distinct violation of this section, and punishable as such; and where such interference is continued more than ten hours, each period of ten hours of such continued interference shall be considered a separate and distinct violation of this section, and punishable as such; and any violation of this section shall be punishable by a fine not exceeding one hundred dollars in amount, or by imprisonment in the county jail not exceeding ninety

Violation of  
section.

days, or by both such fine and imprisonment in the discretion of the court.

SEC. 2. All acts or parts of acts contravening or interfering with the provisions of this act are hereby repealed. Repealing  
clause.

This act is ordered to take immediate effect.

Approved March 7, 1907.

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[No. 379.]

AN ACT to amend section two of act number three hundred seventy-seven of the local acts of nineteen hundred five, entitled "An act to incorporate a city in the county of Gratiot, to be known and designated as the city of Alma, and to define its boundaries and powers," approved March eleven, nineteen hundred five.

*The People of the State of Michigan enact:*

SECTION 1. That section two of act number three hundred seventy-seven of the local acts of nineteen hundred five, entitled "An act to incorporate a city in the county of Gratiot, to be known and designated as the city of Alma, and to define its boundaries and powers," approved March eleven, nineteen hundred five, be and the same is hereby amended, so as to read as follows: Section  
amended.

SEC. 2. The city of Alma shall be divided into four wards, Wards. known and designated as wards numbered one, two, three and four, each of said wards embracing the following described territory within said city of Alma, to-wit:

Ward numbered one: Commencing at the southwest corner of the southeast one-quarter of the southwest one-quarter of section thirty-four, in township number twelve north, range three west, Michigan; thence east to the east corporation line; thence north on said corporation line to the north corporation line; thence west on said north corporation line to the northwest corner of the northeast one-quarter of the southwest one-quarter of section thirty-four, aforesaid; thence south to the place of beginning. First.

Ward numbered two: Commencing eighty rods east of the northeast corner of the northeast one-quarter of section three, in township number eleven north, range three west, Michigan; thence south to the south corporation line of said city of Alma; thence west on said south corporation line to the center of State street, where the same intersects with said south corporation line; thence northeasterly and north along the center of State street, aforesaid, to the section line between section three, aforesaid, and section thirty-four, in township number twelve north, range three west, aforesaid; thence east on said section line to the place of beginning. Second.

Third. Ward numbered three: Commencing at the northwest corner of the northeast one-quarter of section four, in township number eleven north, range three west, Michigan; thence east along the section line between sections four and three, aforesaid, and sections thirty-three and thirty-four in township number twelve north, range three west, aforesaid, to the center of State street in said city of Alma; thence south and southwesterly along the center of State street, aforesaid, to the south corporation line, where said State street intersects with said corporation line; thence west on said south corporation line to the southwest corner of the northeast one-quarter of section four, aforesaid; thence north to the place of beginning.

Fourth. Ward numbered four: Commencing at the southeast corner of the southwest one-quarter of the southwest one-quarter of section thirty-four, in township number twelve north, range three west, Michigan; thence west to the west corporation line; thence north on said corporation line to the north corporation line; thence east on said north corporation line to the northeast corner of the northwest one-quarter of the southwest one-quarter of section thirty-four, aforesaid; thence south to the place of beginning.

This act is ordered to take immediate effect.

Approved March 7, 1907.

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[No. 380.]

AN ACT to authorize the village of Wayland, in the county of Allegan and State of Michigan, to borrow money and issue bonds therefor, with which to construct a water works plant for said village, and levy a tax for the payment of said bonds and the interest thereon.

*The People of the State of Michigan enact:*

Bonds for  
water works.

SECTION 1. The village council of the village of Wayland, in the county of Allegan, Michigan, is hereby authorized and empowered to borrow money on the faith and credit of said village, and to issue the bonds of said village therefor, to an amount not exceeding fifteen thousand dollars, which shall be expended for the construction of a water works plant for said village of Wavland, under such rules and regulations as the village council shall provide: *Provided*, That a majority of the electors of said village, voting at an election held in accordance with this act, shall vote in favor of said loan in the manner specified in this act, and not otherwise.

Proviso, ma-  
jority vote.

Question  
submitted.

SEC. 2. The question of raising the money shall be submitted by the village council of said village, to the electors



thereof, and the vote shall be taken as near as may be in accordance with the provisions of an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, in the year eighteen hundred ninety-five. The village council shall have power to order a special election when it may, by said council, be deemed necessary to carry out the provisions of this act, and the proceedings at such election shall be the same as at the general elections held within said village, as near as may be. Said village council shall cause notice of any election held under this act to be published at least twice in a newspaper published in said village, if any be published therein, and copies of said notice shall be posted up in six of the most public places in said village at least two weeks before such election is held. The electors voting for said loan shall have written or printed on their ballots the words, "For the loan" and the electors voting against the loan shall have written or printed on their ballots the words "Against the loan."

Act govern-  
ing.Special elec-  
tion.

Notice given.

Ballot,  
form of.

Sec. 3. If said loan shall be authorized by a majority of such electors said bonds may be issued in such sums not exceeding the amount hereinbefore limited, payable at such times and with such rates of interest, not exceeding five per cent per annum, as the said village council shall determine and direct. Such bonds shall be signed by the president of the village, and countersigned by the clerk of said village, and negotiated by or under the direction of the village council, and the money raised therefrom shall be appropriated in such manner as said village council shall determine for the purposes aforesaid, and it shall be their duty to raise by taxes upon the taxable property of said village such sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

Bonds, ma-  
turity and  
interest.How signed,  
etc.

Tax levy.

This act is ordered to take immediate effect.

Approved March 7, 1907.

[No. 381.]

AN ACT to authorize and empower the village of Highland Park, in the county of Wayne, to extend its system of waterworks and to borrow money therefor and issue bonds for the payment thereof.

*The People of the State of Michigan enact:*

SECTION 1. The village of Highland Park, in the county of Wayne, is hereby authorized and empowered to extend its

Bond issue  
to extend  
water works.

Third.

Ward numbered three: Commencing at the northwest corner of the northeast one-quarter of section four, in township number eleven north, range three west, Michigan; thence east along the section line between sections four and three, aforesaid, and sections thirty-three and thirty-four in township number twelve north, range three west, aforesaid, to the center of State street in said city of Alma; thence south and southwesterly along the center of State street, aforesaid, to the south corporation line, where said State street intersects with said corporation line; thence west on said south corporation line to the southwest corner of the northeast one-quarter of section four, aforesaid; thence north to the place of beginning.

Fourth.

Ward numbered four: Commencing at the southeast corner of the southwest one-quarter of the southwest one-quarter of section thirty-four, in township number twelve north, range three west, Michigan; thence west to the west corporation line; thence north on said corporation line to the north corporation line; thence east on said north corporation line to the northeast corner of the northwest one-quarter of the southwest one-quarter of section thirty-four, aforesaid; thence south to the place of beginning.

This act is ordered to take immediate effect.

Approved March 7, 1907.

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[No. 380.]

AN ACT to authorize the village of Wayland, in the county of Allegan and State of Michigan, to borrow money and issue bonds therefor, with which to construct a water works plant for said village, and levy a tax for the payment of said bonds and the interest thereon.

*The People of the State of Michigan enact:*

Bonds for  
water works.

SECTION 1. The village council of the village of Wayland, in the county of Allegan, Michigan, is hereby authorized and empowered to borrow money on the faith and credit of said village, and to issue the bonds of said village therefor, to an amount not exceeding fifteen thousand dollars, which shall be expended for the construction of a water works plant for said village of Wayland, under such rules and regulations as the village council shall provide: *Provided*, That a majority of the electors of said village, voting at an election held in accordance with this act, shall vote in favor of said loan in the manner specified in this act, and not otherwise.

Proviso, ma-  
jority vote.

Question  
submitted.

SEC. 2. The question of raising the money shall be submitted by the village council of said village, to the electors

thereof, and the vote shall be taken as near as may be in accordance with the provisions of an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, in the year eighteen hundred ninety-five. The village council shall have power to order a special election when it may, by said council, be deemed necessary to carry out the provisions of this act, and the proceedings at such election shall be the same as at the general elections held within said village, as near as may be. Said village council shall cause notice of any election held under this act to be published at least twice in a newspaper published in said village, if any be published therein, and copies of said notice shall be posted up in six of the most public places in said village at least two weeks before such election is held. The electors voting for said loan shall have written or printed on their ballots the words, "For the loan" and the electors voting against the loan shall have written or printed on their ballots the words "Against the loan."

Act govern-  
ing.Special elec-  
tion.

Notice given.

Ballot,  
form of.

SEC. 3. If said loan shall be authorized by a majority of such electors said bonds may be issued in such sums not exceeding the amount hereinbefore limited, payable at such times and with such rates of interest, not exceeding five per cent per annum, as the said village council shall determine and direct. Such bonds shall be signed by the president of the village, and countersigned by the clerk of said village, and negotiated by or under the direction of the village council, and the money raised therefrom shall be appropriated in such manner as said village council shall determine for the purposes aforesaid, and it shall be their duty to raise by taxes upon the taxable property of said village such sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

Bonds, ma-  
turity and  
interest.How signed,  
etc.

Tax levy.

This act is ordered to take immediate effect.

Approved March 7, 1907.

[No. 381.]

AN ACT to authorize and empower the village of Highland Park, in the county of Wayne, to extend its system of waterworks and to borrow money therefor and issue bonds for the payment thereof.

*The People of the State of Michigan enact:*

SECTION 1. The village of Highland Park, in the county of Wayne, is hereby authorized and empowered to extend its

Bond issue  
to extend  
water works.

Denomination of bonds; maturity and interest.	system of waterworks at a cost not to exceed forty thousand dollars and the premiums from the sale of its bonds issued by authority herein granted; and said village is further authorized and empowered to borrow forty thousand dollars to pay for the cost of such extension work and to issue its bonds not to exceed the sum of forty thousand dollars par value to secure the repayment thereof. Each of said bonds shall be made for the sum of one thousand dollars and shall severally be issued in the manner and at such times as herein provided; said bonds shall severally become due and payable in twenty years from the date of issue and shall draw interest at a rate to be fixed by the village council, but not to exceed four and one-half per cent interest per annum payable annually or semi-annually as the village council may direct: <i>Provided</i> , That none of said bonds shall be sold for less than par, but said bonds may be sold for par and such additional premium as may be offered therefor.
Proviso.	
Question submitted.	SEC. 2. Before any work shall be done or bonds issued as herein provided, the village council shall, in each year, determine by resolution the amount proposed to be expended in the extension of its waterworks system, and thereafter there shall be submitted to a vote of the electors of said village, at
Notice given.	any general village election or at any special election, provided public notice thereof and of the question to be submitted is given to the electors of the village ten days before the date of the holding of such special election, by posting copies of such notice in five of the most public places of the village the question "Shall the village of Highland Park issue bonds to the amount of \$. . . . . for the purpose of waterworks extension?"—"Yes." "Shall the village of Highland Park issue bonds to the amount of \$. . . . .
Form of question.	for the purpose of waterworks extension?" "No." If, on such vote on the question proposed, a majority of the voters vote yes, the work proposed may be done and bonds to the amount authorized at such election issued, otherwise the work shall not be done and the bonds shall not be issued in such year: <i>Provided</i> , That if on the submission of such proposition in any year such proposition does not receive a majority of affirmative votes, a second proposition may be submitted in the same year specifying a less amount to be raised and expended for the purpose stated, in the same manner, and with like effect as herein provided for in the first proposition.
Majority vote.	
Proviso, re-submission.	SEC. 3. Said waterworks extension when constructed and said bonds when issued shall be governed in all respects as provided in chapter eleven of act number three of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties" except as herein otherwise provided.
Act governing.	This act is ordered to take immediate effect. Approved March 7, 1907.

[No. 382.]

AN ACT to amend sections one and six of title six and section eight of title twenty-two of act number three hundred twenty-two of the local acts of nineteen hundred three, entitled "An act to incorporate the city of Muskegon Heights in Muskegon county and for that purpose to detach certain territory from Muskegon and Norton townships in said county and attach same to said city and to dissolve the corporation 'village of Muskegon Heights'" and to repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

SECTION 1. Sections one and six of title six and section eight of title twenty-two of act number three hundred twenty-two of the local acts of nineteen hundred three, entitled, "An act to incorporate the city of Muskegon Heights in Muskegon county and for that purpose to detach certain territory from Muskegon and Norton townships in said county and attach the same to said city and to dissolve the corporation 'village of Muskegon Heights,'" and to repeal all acts and parts of acts inconsistent herewith, are hereby amended to read as follows:

Sections  
amended.

## TITLE VI.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council and shall from time to time give the council information concerning the affairs of the city and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government and see that the laws relating to the city and the ordinances and regulations of the council are enforced. He shall be ex-officio a member of the board of supervisors of Muskegon county and shall have the same powers, perform the same duties, and receive the same compensation as township supervisors.

Mayor, power  
and duty of.

Member,  
ex-officio,  
board of  
supervisors.

SEC. 6. The recorder shall keep the corporate seal and all the documents, official bonds, papers, files, and records of the city, not by this act or the ordinances of the city entrusted to some other board or officer. He shall be the clerk of the council and clerk of all committees thereof. He shall attend its meetings, record its proceedings, ordinances and resolutions in proper books provided therefor. He shall countersign and register all licenses granted and all bonds issued and shall, when required, make and certify under the seal of the city, copies of the papers, records and files kept in such office and such copies, when so certified by him, shall be evidence in

Recorder,  
power and  
duties of.

all cases of the matters therein contained to the same extent as the original would be. Said city recorder, ex-officio, shall be a member of the board of supervisors of the county of Muskegon, and he shall attend all the meetings of said board and be entitled to vote upon all matters that may be brought before the board of supervisors, and shall exercise the same privileges, and perform the same duties as other members of the board, and for attending all such meetings he shall receive the same compensation authorized by law to be paid to township supervisors for similar services to be audited by the board and paid by the county. He shall possess and exercise the powers of the township clerk so far as the same are required to be performed within the city, and he shall have all the powers within the city conferred by law on notaries public. All claims against the corporation shall be filed with him for adjustment. After examination thereof, he shall report the same with all accompanying vouchers, counterclaims of the city in his possession to the council for allowance, and when allowed shall draw and sign all warrants upon the city treasurer for the payment thereof, designating thereon from which fund payment is to be made, and shall take proper receipts therefor. When any taxes or money shall be levied, raised, or appropriated, the recorder shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amount thereof to be credited to such fund. He shall keep an account of all funds, taxes, assessments, receipts and expenditures, and shall report to the council and city treasurer at the first regular meeting of said council in each month the condition of the several funds of the city, and shall at the last regular meeting of the council in March in each year, make out and present a full statement and balance sheet of the financial accounts of the city, with such recommendations and explanations as may be proper to add thereto. He shall keep a complete set of books, showing the financial condition of said city in its various departments and funds, its resources and liabilities, with proper classification of each fund or appropriation for any distinct object, or expenditure or class of expenditures. He shall keep an account with the city treasurer in which he shall charge said treasurer with the whole amount of taxes, special or general, levied in said city, and placed in his hands for collection, all sums received for license, rents and all other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest and bills receivable by said city of whatever nature. Immediately upon entering the duties of his office he shall make a complete inventory of all the property of said city, and shall charge all other officers of the city with all funds, moneys, and property placed or being in their possession, and shall require a statement of such officers, at least once in each year, and as much oftener as may be deemed by the council for the best interests of the city, and the safety of its property. He shall perform

all such other duties relating to the finances of the city and pertaining to his office as the council may require. In case of the death, absence from the city, disqualification or inability to act of said recorder, the mayor shall, in writing, appoint a suitable and competent person as acting recorder, who shall perform all the duties of said office, and receive the same compensation during the absence, disqualification or inability to act of said recorder, until said vacancy is filled, in the manner prescribed by this act.

## TITLE XXII.

SEC. 8. The school district or school districts in which the said city of Muskegon Heights is located shall not be affected or governed by the provisions of this act, but all of the laws and regulations now governing such district or districts shall remain in full force and effect, the same as if said city had not been incorporated and for school and district purposes, the city of Muskegon Heights shall in all respects be treated and considered as a township: *Provided*, That the city recorder of said city shall receive the reports from the school officers of the districts in said city and shall keep one copy on file in his office, and forward the others to the proper officers in the same manner and at the same time as township clerks file and forward these reports: And *Provided further*, That the city treasurer of said city shall receive all moneys belonging to the school district or school districts in said city from the county treasurer, and from the townships of Muskegon and Norton, and shall pay over these moneys to the treasurer of the school district or school districts in said city, upon the order of the director of such districts countersigned by the moderator in the same manner that the township treasurers receive and pay over school moneys to the several school districts in a township.

School districts not affected by this act.

Provided.

Further proviso.

This act is ordered to take immediate effect.

Approved March 7, 1907.

[No. 383.]

AN ACT to amend section seven of act two hundred forty-three of the local acts of eighteen hundred sixty-nine, entitled "An act to create a board of water commissioners in the village of Marquette, and to define its powers and duties."

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section seven of act two hundred forty-three of the local acts of eighteen hundred sixty-nine, entitled "An act to create a board of water commissioners in the village of Marquette, and to define its powers and duties," is amended to read as follows:

Commissioners  
may issue  
bonds.

SEC. 7. Said commissioners shall have power to borrow from time to time upon the best terms they can make, for such time as they may deem necessary, not to exceed in the aggregate, including all indebtedness and bonds issued by the said commissioners now outstanding, the sum of two hundred thousand dollars, upon the credit of the city of Marquette and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall issue under the seal of said board of commissioners and shall be signed by them or a majority of them and countersigned by the controller. And it shall be the duty of said commissioners to cause to be kept an accurate register of all the bonds issued by them showing the number, date and amount of each bond and to whom issued, and it shall also be their duty to present said bonds to the controller of said city for entry upon the records of said city kept by him, and the controller shall certify on each bond that such record has been made: *Provided*, That no such bonds shall be issued nor indebtedness be incurred until the amount proposed to be raised shall have been submitted to the legal voters of said city and been approved by a majority vote by ballot of the electors of said city at an annual election therein, due notice of such submission having been given in the notice of such election or at a special election therein called by the said commissioners and held in the manner provided for the holding of special elections by the charter of the city of Marquette, for which election the commissioners shall determine the form of the ballots.

Register of  
bonds.

Proviso, sub-  
mission and  
notice of.

This act is ordered to take immediate effect.

Approved March 7, 1907.



## [No. 384.]

AN ACT to amend section one of chapter two, section four of chapter three and section one of chapter four of an act, entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seven, eighteen hundred ninety-one, and acts amendatory thereof, and to add thereto a new section to stand as section two of chapter two, and to repeal all acts or parts of acts contravening the provisions of this act.

*The People of the State of Michigan enact:*

SECTION 1. Section one of chapter two, section four of chapter three and section one of chapter four of an act, entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seven, eighteen hundred ninety-one, and acts amendatory thereof, are hereby amended, and a new section is hereby added thereto, to stand as section two of chapter two, said amended sections and said new section to read as follows:

## CHAPTER II.

SECTION 1. Said city shall be divided into five wards, as follows: The first ward shall embrace all that portion of said city lying south of the following line: Beginning on the shore of Lake Superior at the point where the center line of Rock street produced east intersects said shore line, and running thence westerly along said center line to the center line of Seventh street; thence northerly along the center line of said Seventh street to the east and west center line of sections twenty-two and twenty-three; thence westwardly along the center line of said sections to the western boundary of said city. The second ward shall embrace all that portion of said city lying between the above northern boundary of said first ward and the center line of Washington street produced eastwardly to the shore of Lake Superior and westwardly to the western boundary of said city. The third ward shall embrace all that portion of said city lying north of the center line of Washington street and east of the center line of Front street produced to the shore of Lake Superior. The fourth ward shall embrace all that portion of said city lying north of the center line of Washington street, west of the center line of Front street and south of the center line of Hewitt avenue produced to the western boundary of said city. The fifth ward shall embrace all the remaining portion of said city.

SEC. 2. The aldermen of said city who were elected in April, nineteen hundred six, shall continue in office until the

Sections amended.

Ward boundaries. First.

Second.

Third.

Fourth.

Fifth.

Terms of certain aldermen.

expiration of their several terms of office as aldermen from the city at large.

### CHAPTER III.

Registration,  
how governed.

Proviso,  
notice.

SEC. 4. Except as in this charter otherwise provided, and except that the various boards of registration of said city shall be in session on the Saturday preceding any general or regular charter election, and on the day preceding, Sunday excepted, any special election, and on such other days as shall be appointed by the common council, not exceeding three days in all previous to any such election, the general law of the State shall govern as to all matters relating to the registration of electors: *Provided*, That it shall be necessary to give only three days' notice of registration and the place of holding the same in each ward and five days' notice of election at the present spring election to be held April one, nineteen hundred seven; but on all other elections thereafter, the notice shall be as otherwise provided in the statute.

### CHAPTER IV.

Biennial  
election.

Supervisor and  
alderman.

SECTION 1. On the first Monday in April, nineteen hundred seven, and biennially thereafter, the following officers shall be elected by the qualified electors of the whole city voting in their respective wards, viz.: One mayor, one treasurer, one recorder, two constables and three supervisors at large. There shall also be elected at each of such elections by the qualified voters of each ward on a ward ticket, one supervisor and one alderman.

SEC. 2. All acts and parts of acts inconsistent with or in any manner contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 7, 1907.

[No. 385.]

AN ACT to amend section two of chapter three; sections one, two, five, seven and eight of chapter four; sections one and two of chapter five; sections three and four of chapter six; sections one and twenty-two of chapter seven; sections one, three, ten and fourteen of chapter nine; sections twenty-two, twenty-three, twenty-four, twenty-seven, thirty, thirty-two and thirty-three of chapter ten; section three of chapter twelve of an act entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seven, eighteen hundred ninety-one, and acts amendatory thereof; and to add thereto a new chapter to be known as chapter fifteen and to contain sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen, and to repeal all acts or parts of acts contravening the provisions of this act.

*The People of the State of Michigan enact:*

SECTION 1. Section two of chapter three; sections one, two, five, seven and eight of chapter four; sections one and two of chapter five; sections three and four of chapter six; sections one and twenty-two of chapter seven; sections one, three, ten and fourteen of chapter nine; sections twenty-two, twenty-three, twenty-four, twenty-seven, thirty, thirty-two and thirty-three of chapter ten; and section three of chapter twelve of an act entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seven, eighteen hundred ninety-one, and acts amendatory thereof, are hereby amended, and a new chapter added thereto to be known as chapter fifteen and to consist of sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen, said amended sections and said new chapter to read as follows:

Sections  
amended.

CHAPTER III.

Sec. 2. Every elector shall vote in the ward where he shall have resided during the twenty days next preceding the day of election. The residence of any elector not being a householder nor a member of a householder's family shall be deemed to be in the ward in which he regularly lodges.

Residence,  
how de-  
termined.

## CHAPTER IV.

Biennial city  
election officers  
elected.

Ward  
officers.

Officers ap-  
pointed by  
mayor.

Annual ap-  
pointments.

Other Officers.

City engineer.

Term of office  
of mayor,  
treasurer, re-  
corder, etc.

Of controller,  
city attorney,  
etc.

Term of  
aldermen.

SECTION 1. On the first Monday in April, nineteen hundred seven, and biennially thereafter, the following officers shall be elected by the qualified electors of the whole city voting in their respective wards, viz., one mayor, one treasurer, one recorder and two constables. There shall also be elected at each of said elections by the qualified voters of each ward, on a ward ticket, one supervisor and one alderman.

SEC. 2. The following officers shall be appointed by the mayor and confirmed by the common council on or before the first Monday in May following each election, viz., one controller, who shall be assessor of the city, one city attorney, one health officer, who shall be a registered physician, one harbormaster, one president pro tempore of the council, who is an alderman and who shall preside at all meetings of the council which he attends in the absence of the mayor; and on or before the first Monday in May of each year one member of the board of fire and water commissioners, one member of the light and power commission, one member of the board of park, cemeteries and streets commissioners, one member of the board of trustees of the Peter White Public Library and one member of the board of police commissioners. The mayor shall also appoint, subject to the approval of the common council, such other officers as the common council shall determine to be necessary to carry into effect the powers herein granted, and the common council may provide by ordinance for the appointment by the mayor, for such term as may be provided in the ordinance, of a city engineer and all such other officers whose election or appointment is not otherwise specifically provided for in this act, as they may deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of such officers shall be prescribed by ordinance.

SEC. 5. The mayor, treasurer, recorder, supervisors and constables shall hold their offices for the term of two years from the first Monday in April in the year when elected and until their successors are elected, qualified and enter upon the duties of their offices. The controller, city attorney, health officer and harbormaster shall hold their offices from the time when appointed until the fifteenth day of April of the second year thereafter and until their successors are appointed and enter upon the duties of their offices.

SEC. 7. The aldermen shall hold their offices for the term of four years from the first Monday of April in the year when elected and until their successors are elected, qualified and enter upon the duties of their offices, except when elected for short terms or to fill vacancies, as herein otherwise provided; and the term of office of the aldermen who were elected on the first Monday of April, nineteen hundred six, shall be and

they are hereby extended one year, viz., until the first Monday of April, nineteen hundred nine, and until their successors are elected, qualified and enter upon the duties of their offices.

SEC. 8. On the first Monday of April, nineteen hundred seven, and biennially thereafter, two justices of the peace shall be elected who shall hold their offices for the term of four years from the fourth day of July next after their election. They shall file their oaths of office and give such security as is required by law of justices of the peace in townships.

Justices of the peace, election and term of office.

Oath and bond.

## CHAPTER V.

SECTION 1. The city election shall be held at such place in each of the several wards as the common council shall designate, notice of which shall be given by the recorder at least ten days before the election by posting the same in three public places in said wards, or by publishing the same in some newspaper printed in said city. The supervisor and aldermen, together with a sufficient number of other electors of the said wards, to be selected viva voce by the electors present at the opening of the polls, as may be required by the general election laws of the State to make a full board of election inspectors, shall be inspectors of such elections, and they shall be inspectors of the State, district, county and all other elections, and they shall appoint two suitable persons to act as clerks thereof, and in case of the absence of one or both of such inspectors, the electors may choose, viva voce from their number, one or more to fill such vacancies, to whom as well as to the clerks appointed, as aforesaid, shall be administered the constitutional oath by either of said inspectors, or by any justice of the peace or notary public. At such charter elections the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for the said city, and also one certificate of the officers elected in and for their ward, which certificate shall be immediately filed in the office of the recorder of said city. Upon the Thursday next following the day of said election the common council shall meet at the office of said recorder and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices; and it shall be the duty of said recorder immediately after such determination to cause notice to be given to each of the persons elected of their election. Each of said officers so elected and notified, except justices of the peace, shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to said recorder, who shall file the same in his office:

City election; notice, how given.

Board of election inspectors, who to constitute, etc.

Clerks of election.

Oath. Ward inspectors; certificate of votes.

Vote, when and by whom canvassed.

Notice to persons elected.

Oath.

- Proviso, justice of the peace.** *Provided*, That in the case of the election of any one or more justices of the peace the said recorder shall make a certificate thereof and cause it to be delivered to the county clerk, in the same manner as is required of township clerks. The controller and treasurer shall, before entering upon the discharge of their duties, give such security as the common council shall direct and approve; and in case any of the officers so elected shall neglect for the term of ten days to qualify as aforesaid or to give security, the office shall thereby become vacant.
- Controller and treasurer to give security.**
- Board of election, power of.** **SEC. 2.** The board of election in each ward at elections held therein shall possess all the powers not inconsistent with this charter that boards of election in townships possess under and in pursuance to the laws of this State, and in all matters not otherwise provided in this charter, the laws of this State applicable to the holding of township meetings shall apply to the holding of the elections held under this charter, and all laws of this State not inconsistent with this charter applicable to the holding of general elections in the townships of this State shall apply to the holding of general elections in the several wards of said city. The common council of said city shall provide suitable boxes for each ward, with locks and keys to be used as ballot boxes in such wards.
- Ballot boxes, lock and key.**

## CHAPTER VI.

- Vacancy in office of alderman.** **SEC. 3.** Whenever a vacancy occurs in the office of alderman, the common council of said city shall immediately appoint a special election to be held in the ward for which said officer was chosen at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment, and for any such special election five days' notice of the election and of the meeting of the board of registration shall be sufficient: *Provided*, That in case any such vacancy shall occur in said office of alderman within three months before any regular city election, it shall be optional with the common council to order a special election or not, as they may deem expedient.
- Proviso.**
- Vacancy in office other than alderman.** **SEC. 4.** In case any vacancy shall occur in any of the offices in this charter declared to be elective or appointive, except alderman, the mayor by and with the consent of the common council may, in his discretion, fill such vacancy by the appointment of a suitable person who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed; and any officer appointed to fill a vacancy shall hold by virtue of such appointment until his successor is elected or appointed, as the case may be, and qualified.

## CHAPTER VII.

SECTION 1. The mayor and aldermen, when assembled together and organized, shall constitute the common council of the city of Marquette, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and the common council may be summoned to hold their meetings at such time as the mayor or, in case of his absence or inability to act, the president may appoint, at such place as shall have been designated as the council room by the common council. The common council shall have the power to impose, levy and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the same. In case of the absence of the mayor and president at any such meeting, the members present may appoint some one of their members to preside. Each member of the common council shall be entitled to one vote, except the mayor, who shall only be entitled to vote when there is a tie vote in the common council, or when his vote would change the result. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, except as in this charter is otherwise provided, and may dispose of the same, and make such rules and by-laws relating to the same as they may deem proper and necessary: *Provided*, That all resolutions of the common council involving the expenditure of public moneys shall be approved by the mayor, or other person performing for the time being the duties of his office, but such resolutions shall stand as approved unless the mayor, within five days from the passage of such resolutions, shall file with the city recorder a written statement expressing his disapproval of the resolution and giving his reasons therefor. After the filing of objections to such resolution by the mayor as aforesaid said resolution may only be passed and re-enacted by a two-thirds vote of all the aldermen elect; they shall have power within said city to enact, continue, establish, enforce, annul, amend, and repeal such ordinances, by-laws, rules and regulations as they may deem desirable for the following purposes:

First, To prevent vice and immorality, to preserve public peace and good order, to organize, maintain and regulate a police of the city when necessary, and to define the powers and duties of such police or any police officers; to prevent and quell riots, disturbances and disorderly assemblies;

Second, To prevent and restrain disorderly and gaming houses, and houses of ill fame, to prevent the exhibition or use of any and all instruments and devices used in gaming,

Common council, quorum, meetings, etc.

Fine for non-attendance.

Control of finances, etc.

Proviso, approval of resolutions.

Vice and immorality.

Disorderly houses, etc.

and to prohibit all gaming and fraudulent devices, and restrain and prohibit all billiard tables kept for gaming purposes;

Saloons, billiard rooms, etc.

Third, To forbid and prevent the vending, giving away, or other disposition of liquors and intoxicating drinks to any drunkard, minor or other persons in the habit of getting intoxicated, to prohibit the opening of any drinking saloon, bar, or place where intoxicating drinks are or may be kept, billiard rooms, tenpin alleys, or place of public recreation or amusement on the first day of the week, commonly called Sunday; and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction or public outcry, except in cases of sales authorized by law, and fix the fees to be paid by and to auctioneers;

Auctions.

Circuses and exhibitions.

Fourth, To prohibit, restrain, license and regulate all sports, exhibitions of natural or artificial curiosities, caravans or animals, theatrical exhibitions, circuses or other public performances or exhibitions for money;

Nuisances.

Fifth, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewers or other offensive or unwholesome place or house, to clean, purify, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city;

Slaughter houses.

Sixth, To direct or prohibit the location of all slaughter houses, markets and building for storing gunpowder or other combustible or explosive materials or substances within the limits of said city;

Explosive materials, bonfires, etc.

Seventh, Concerning the buying, carrying, selling and using of gunpowder or other combustible or explosive materials, and the exhibition of fireworks, the use of lights in barns, stables and other buildings, and to regulate or prohibit the discharge of firearms within the limits of the city, or making of bonfires in the streets or yards;

Encumbering of streets, sidewalks, etc.

Eighth, To prevent the encumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, or other public places in any manner whatever;

Immoderate driving or riding.

Ninth, To prevent and punish horse racing, and immoderate driving or riding in any street, alley or public park or ground, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, alley or public park or ground in said city;

Route and grade of railways.

Tenth, To determine and designate by name the streets upon which any street railways shall hereafter be laid in said city, before the same may be laid therein, and the routes and grades of any railroad to be laid in said city, before the same may be laid therein: *Provided*, That this subdivision of section one shall not affect or change charter or contract rights heretofore granted. And to restrain and regulate the use of locomotives, engines, motors and cars upon the railroads and street railways within the city, and to compel the use of such precau-

Proviso.



tions against accidents on said street railways and at street crossings upon such railroads and street railways as they may deem necessary;

Eleventh, To provide for and preserve the purity and salubrity of the waters of Marquette harbor, and the streams emptying therein; to prohibit and prevent the depositing therein of all filth and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of said harbor; to prohibit and prevent the depositing or keeping therein any structure, earth or substance tending to obstruct or impair the navigation thereof, and to remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring and mooring of vessels, and laying out of cargoes and ballast for the same. The harbor of the city of Marquette is hereby defined and declared to be embraced within the following limits, viz.: Commencing at a point on the shore of Lake Superior where the west boundary of said city strikes the shore; thence north one mile; thence east on a line to the point therein intersected by a line drawn north from the point where the south boundary of the city strikes the shore of Lake Superior; thence southerly on said line to said last mentioned point on said shore; thence northerly along the line of said shore, following the meandering thereof to the place of beginning; and any offense committed against the laws and ordinances of the city of Marquette, within said limits, shall be deemed and considered as having been committed within the limits of the city of Marquette;

Twelfth, To restrain and punish drunkards, vagrants, street beggars, and all disorderly persons or keepers of gaming or disorderly houses, or other houses in which drunkards or boisterous persons are allowed to congregate and disturb the peace, or in which any crime or misdemeanor shall be committed by the knowledge or consent of the occupant of such house;

Thirteenth, To establish, maintain and regulate one or more pounds in said city, and to prohibit, restrain or regulate the running at large of horses, cattle, sheep, swine or other animals, geese or poultry, and authorize the impounding and sale of the same for the penalty incurred and the cost of keeping, impounding and other expenses; to punish the breaking of any pound or any unlawful interference therewith, and to make all such by-laws, ordinances, rules and regulations in relation to such pound or pounds, and the advertising and selling of the animals, geese or poultry therein impounded, as they may deem necessary, or as may be advisable for the purpose of perfecting the title of any property sold in conformity with any ordinance or by-law, and for preserving the evidence and declaring the legal effect of any and all evidence of any such sale or sales, and no court other than the circuit court for the county of Marquette, or the courts held in said city, shall have any jurisdiction of any action of replevin or any action

against any poundmaster of said city, for, or on account of any animal, or animals, geese or poultry impounded, or for or on account of any act done by any such poundmaster in pursuance of any power or duty conferred by any by-law or ordinance passed by the common council of said city;

**Dogs.** Fourteenth, To prevent or regulate the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets;

**Offensive substances.** Fifteenth, To prohibit any person from bringing or depositing within the limits of said city, any dead carcass, or other unwholesome or offensive substances; to require the removal or destruction thereof; if any person shall have on his or her premises any such substance or any putrid meats, fish, hides, or any skins of any kind, and on his or her default, to authorize the removal or destruction thereof by some officer of the city, and to provide for ascertaining the expenses thereof, and collecting the same from the person in default;

**Sidewalks.** Sixteenth, To compel all persons in such part or parts of the city as the common council may deem proper, to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood or obstructions; but the city shall never be liable for any damage sustained by any person in consequence of the neglect of any person to keep any such sidewalk clear from snow, ice, dirt, wood or other obstructions;

**Noises in streets.** Seventeenth, To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

**Prescribe power, etc., of officers.** Eighteenth, To prescribe the powers and duties of all the officers of said city, except as herein otherwise provided, and their compensation and the fines and penalties for their delinquencies;

**Cemeteries.** Nineteenth, To purchase suitable grounds for cemetery purposes, survey and divide the same, in such form and manner as they may deem proper; fix and determine price of burial lots, sell and convey the same, ornament, fence and improve such cemetery or any burial ground now in the city, and enlarge the same; regulate the burial of the dead; preserve tombstones and monuments; and exercise a general control over all burial places in said city; and all burial grounds now belonging to the township of Marquette, and located within said city, shall vest in and belong to said city for burial purposes; to purchase and hold for the city suitable grounds for one or more public parks; improve and ornament the same, make suitable regulations for their use, and provide for the proper care of the same;

**Parks.** Twentieth, To provide for the protection and care of paupers and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor, and to return any such person so brought to the city to

**Paupers.**

the place from whence he came or to which he properly belongs;

Twenty-first, To establish, order and regulate markets; to regulate the vending of wood, hay, meat, vegetables, fruits and provisions of all kinds and prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables or other articles of food or provisions, impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

Markets.

Proviso, meat by the quarter.

Twenty-second, To regulate and establish the line upon which buildings may be erected upon any street, land or alley, in said city, and to compel such buildings to be erected upon such line, by a fine upon the owner thereof, not exceeding five hundred dollars for each offense;

Street lines.

Twenty-third, To establish fire districts, within which no wooden building, except such as shall be authorized by the common council, shall be removed, built, repaired, enlarged, placed or allowed to stand or remain;

Wooden buildings.

Twenty-fourth, To prescribe the duties of all officers appointed by the mayor, and their compensation, and the penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided by law;

Duties of certain officers prescribed.

Twenty-fifth, To license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate or license the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in the streets, highways, or in or upon the wharves, docks, open places or spaces, public grounds or buildings in the city, or from boats in the harbor; all persons selling goods within said city, by sample and by hawking and carrying such samples for exhibition from house to house and agreeing to deliver such goods at some future time to be paid for upon installments or otherwise, shall be deemed hawkers and peddlers within the meaning of this chapter; to require a license fee not exceeding one hundred dollars to be paid by every person, firm or corporation engaging in the retailing and merchandising of any class or kind of goods, wares or merchandise in said city;

Hawkers and peddlers.

License fee.

Twenty-sixth, To license and regulate wharves, boats, and to regulate the use of tugs, and other boats as used in and about the harbor and within the jurisdiction of the city;

Wharves, boats and tugs.

Twenty-seventh, To regulate and license all taverns and houses of public entertainment, all saloons, restaurants and eating houses; to designate, by ordinance, bounds, limits and districts in the said city, within which the business of vending,

Saloons, restaurants, etc.

	selling, or having for sale, spirituous, vinous, malt or brewed liquors, or any other intoxicating liquors or mixtures thereof, shall be conducted and carried on, and to prohibit the vending, selling and furnishing intoxicating liquors, or admixtures thereof, except within the districts and limits in said ordinance appointed and limited for the sale thereof, and may provide for punishment for any violation of such ordinance;
Inspection of meat, etc.	Twenty-eighth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions;
Weights and measures.	Twenty-ninth, To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay, and other articles of merchandise, and to provide for the inspection and sealing of weights and measures, and to prescribe the penalty for using false weights and measures;
Building inspection; plumbers' license.	Thirtieth, To provide for the inspection of buildings and the safety of their construction, condition and repair, and to license plumbers and regulate the plumbing of buildings;
Cellars, private drains.	Thirty-first, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies, and to compel the owner or occupant to fill up, drain, cleanse alter, relay or repair the same or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;
Carriage stands, etc.	Thirty-second, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city, also all solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad; and to prescribe and designate the stands of carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges;
Census.	Thirty-third, To provide for taking the census of the inhabitants of the city whenever the council shall see fit to direct and regulate the same;
Shade trees.	Thirty-fourth, To regulate and require the setting of shade trees in the streets of said city and provide for the preservation of the same: <i>Provided</i> , That until the common council or street commissioner shall determine the distance trees shall be set from the margin of any street or highway, the same may be set at not less than six nor more than ten feet from the margin thereof;
Proviso, setting of.	
Ordinances and regulations.	Thirty-fifth, The common council shall have authority to enact all ordinances and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation for any purpose whatever; nor shall any rights, privileges or franchises be granted to any person, firm or corporation, without the concurrence of two-thirds of all the members elect of
Granting of franchises.	

the common council voting by yeas and nays, nor until the same has been so passed at two meetings of the common council, at least two weeks intervening between the same, one of which said meetings shall be a regular stated meeting, and any such rights, privileges or franchises may be granted for a definite period, and at the expiration of such period may be rescinded at the pleasure of the common council;

Thirty-sixth, For the purpose of carrying into effect the powers conferred by this act, the common council shall have power to prescribe in any by-law or ordinance made by them that the persons offending against the same shall forfeit and pay such fine as they deem proper, not exceeding one hundred dollars, or by imprisonment in the county jail or in the city jail for a term not exceeding three months, except as herein otherwise expressly provided, or both such fine and imprisonment in the discretion of the court who shall try the offender.

Power to  
prescribe  
fine, etc.

Sec. 22. The mayor shall have power at any time to suspend from any office, except that of alderman, any person appointed or elected thereto, for cause satisfactory to himself, which suspension shall continue in force and operate as removal from such office until overruled by the common council, provided the mayor present to the common council at its next regular meeting a statement in writing of his reasons for such suspension and removal. And the council may expel any alderman by a concurring vote of two-thirds of all aldermen elect: *Provided*, That provision shall be made by ordinance for preferring charges against such alderman and trying the same.

May suspend  
from office.

Proviso,  
aldermen.

## CHAPTER IX.

SECTION 1. The mayor shall be the chief executive of the city; shall be president of the common council; shall countersign all orders drawn upon the city treasurer by order of the common council; shall see that all officials of said city faithfully comply with and discharge their official duties; shall see that all laws pertaining to the municipal government of said city and all ordinances and resolutions of the common council be faithfully observed; shall be ex-officio a member of the fire and water commissioners of the city of Marquette; of the light and power commission of the city of Marquette; of the park, cemetery and street commission of the city of Marquette; and of the police commission of the city of Marquette. He shall have the same power as conservator of the peace within the limits of the city as any justice of the peace has or may by law have, and to this end it may be lawful for him, when a person shall in his presence be guilty of a breach of the peace or a violation of any ordinances of the common council punishable by fine or imprisonment, to direct the marshal or other person forthwith to apprehend such offender or offenders and take him or them before a justice of the peace

Mayor, power  
and duty of.

for said city, who shall without unreasonable delay proceed to the examination and trial of the party arrested. He shall have the power and it shall be his duty to preserve order and decorum in the council room during the session of the common council, and for this purpose may order any disorderly person to be arrested by the marshal or other peace officer for disorderly or contemptuous conduct in his presence, which disorderly person may be imprisoned on the charge of the marshal for a period of not to exceed twenty-four hours as a penalty for such disorderly or contemptuous conduct.

Controller,  
duty of.

SEC. 3. It shall be the duty of the controller to keep financial accounts of the city corporation, to countersign all bonds, orders upon the treasurer, licenses, burial permits, cemetery deeds, and all evidences of deed and transfer of property which the common council or the city corporation, the board of water and fire commissioners, or the school board of school district number one of the city of Marquette, or other school districts of said city are authorized to issue or make, pledging the faith of said city.

Accounts and  
demands, etc.

(a) He shall receive all accounts and demands against said city and all boards thereof, and school districts therein, examine them in detail, audit or allow such of them or such parts thereof as to the correctness of which he has no doubt, and which the claimant is willing to accept in full discharge thereof, file and number them as vouchers, with the date of their allowance and the funds out of which payable, and when so audited, settled, filed, dated and numbered, report the same to the common council, or board to which the same properly belongs, and when payment shall be duly authorized by the common council or board respectively, to countersign and register the orders drawn therefor upon the treasurer of the funds from which the same are payable. The said controller in auditing and examining such accounts shall have the power to issue subpoenas to procure the attendance of witnesses and examine such witnesses under oath, to be administered by him, relative to any account against said city or boards thereof, and may at all times have free access to and the right to examine all books, papers, vouchers and accounts of said city or boards thereof. He shall have power to administer oaths generally, and shall administer oaths of persons free of charge to all affidavits of claims against the city or boards thereof that may be required. No claims so audited shall be binding upon the city and any of its boards until approved by a majority vote of the common council, or the proper board of the city respectively; and no account or claim or demand except claims for established salaries shall be received for audit or allowance or be allowed by the common council, any of said boards or school districts, unless it shall be first presented to the controller accompanied by an affidavit of the person rendering it to the effect that he verily believes that the services or property therein charged for have been actually performed or delivered for the city

May subpoena  
witnesses, etc.

Oaths.

Affidavit.

or board, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim. Every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be a sufficient defense in any court in any action or claim against the city or any of its boards, for the collection of any demand or claim, that it has never been presented to the controller verified as aforesaid, for allowance, or that the claim was presented without the affidavit aforesaid, and rejected for that reason; or that the action or proceeding was brought before the common council or board respectively had had a reasonable time to investigate and pass upon it.

Accounts,  
what to exhibit.

(b) The controller shall keep a record of all bonds issued on the faith and credit of the city whether issued by authority of the common council, any of said boards or any school district of said city, with the number, amount and dates when issued, when payable, and all coupons attached thereto, and shall keep account in proper books of all such bonds and the bonded indebtedness for the information of the common council and of said boards and of the public. He shall also in like manner keep accounts of all funds, taxes, assessments, receipts and expenditures of said city and boards thereof, and school districts therein.

Record of  
bonds.

(c) The controller shall advertise and receive proposals for all contracts for and on behalf of the city, except as in this charter otherwise provided, and report his action thereon to the common council. He shall sign all contracts and agreements on behalf of the city, except as in this charter otherwise provided, subject to the orders of the common council.

Proposals for  
contracts.

(d) He shall keep a record of all the officers and employees of the city and of said boards and school districts, and certify the pay rolls and wages of all such officers and persons to the common council and boards respectively. He shall be charged with the leasing, repairs, insurance and general supervision of the property of the city, under the direction of the common council, and for his information may require reports from all officers, boards and persons having any public property in charge or possession, and report upon the same when required by the council.

To certify  
pay rolls and  
wages.

Leasing, re-  
pairs, etc.

(e) It shall be the duty of the controller to take and exercise the general supervision of the financial concerns of the corporation, to keep a complete set of books exhibiting the condition of the said corporation in its various departments and funds, its resources and liabilities, with proper classification thereof of each fund or appropriation for any distinct part or expenditure, or class of expenditures. Whenever any such fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts or expenses actually incurred or contracted for, no other warrant shall be drawn against such fund until another ap-

Controller,  
duty of.

When fund,  
etc., ex-  
hausted.

To inquire  
into finances,  
etc.

propriation shall have been made. He shall have power, and it shall be his duty to inquire into, inspect and inventory all finances and accounts, property and assets of all persons, officers, boards, school districts and other corporate bodies of said city charged in any way with the receipt, collection or disbursement of public funds, or the custody, control or use of public property; and to require such reports concerning the same as he shall deem for the public interests; and it shall be the duty of all such persons, officers, boards and bodies to make to said controller such reports as he may, in pursuance of his said duty, require to be made; and to permit the inspection and copying of all books, reports, entries, documents and accounts under their control, and to permit the inventorying of all public property under their control.

To open ac-  
count with  
treasurer.

(f) The controller shall open an account with the treasurer in which he shall charge said treasurer with the whole amount of taxes, special or general, levied in said city and placed in his hands for collection, all sums received for licenses, and all other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest and bills receivable by said city, of whatever nature. He shall charge to the treasurer all taxes which may be placed in his hands for collection, and all other officers of the corporation with all funds, money or property placed or being in their possession, and shall require settlement with such officers at least once in each year, and as much oftener, not to exceed once in each month, as to him seem proper, the interest of the city and the safety of its property may require; and he shall give said treasurer and all other officers credit for all money disbursed upon showing proper vouchers, and for all property consumed, expended and destroyed by ordinary wear and use and not otherwise.

To attach  
warrants to  
tax rolls.

(g) The controller shall make out and attach warrants to all tax rolls in said city whether for State, county, city, general or special assessments or taxes, and such warrants shall be in the usual form of law, which shall have the same virtue, force and legal effect as warrants made by the supervisors of townships pursuant to the laws of the State.

Miscellaneous  
duties; salary,  
bond.

(h) The controller shall also perform such other duties as are or may be prescribed by the charter of the city or the ordinances of the common council, or by said boards, not inconsistent herewith, and shall receive for his services such annual salary as the common council shall prescribe, which shall be in full for all services to the city and said boards, as controller, including his duties as assessor, and he shall give a bond with sureties in the sum of not less than five thousand dollars, for the faithful performance of the duties hereby imposed.

Detailed  
statement;  
when sub-  
mitted, what  
to contain.

(i) The controller shall also on or before the second Tuesday of March in each year make out and submit to the common council a detailed statement of the receipts and expenditures of the corporation and its boards during the preceding



year, which statement shall distinctly show the amount of taxes raised during the preceding year for all purposes, the amount raised for each fund; the amounts, if any, levied by special assessments and the amount collected on each; the amount of money borrowed and upon what time and terms and for what purpose, also the items and amounts received from all other sources during the year and for what purposes received; the amount expended during the year and for what purposes, classifying the expenditures for each purpose separately. Said statement shall distinctly show the amount of all indebtedness outstanding against said city and for what purpose contracted and whether funded or floating; the rate of interest payable on the funded debt and when, where and to whom paid; the amount of salary or compensation paid or payable to the several city officers, the condition of the several funds of the city and the balance therein, and such other information as may be essential to a full understanding of the financial affairs of the city. The account of each officer shall be stated separately. He shall also embrace therein a statement in detail of the amounts of money which in his opinion it will be necessary to raise by taxation for all city and local purposes for the ensuing year. The heading of said statement shall be as follows: viz., "Statement of the receipts and expenditures of the city of Marquette for the fiscal year ending the second Tuesday of March, A. D. 18.... (as the case may be)." Said statement shall be certified and signed by the controller and by him or under his direction shall be spread at length in a book to be kept in the office of the recorder to be designated the "Record of controller's reports," and a copy thereof published in one of the newspapers of the city on or before the fourth Tuesday of March thereafter. The controller shall be the assessor of said city and wherever in the charter or the ordinance of the city the word "assessor" is used, the same shall be deemed to refer to and mean the controller, and he shall have authority to employ such number of clerks from time to time as may be necessary, subject to the approval of the common council.

To be certified and signed.

Controller to be assessor.

(j) The controller shall preserve and file in numerical order duplicates of all tax receipts issued by the treasurer and countersigned by himself, and shall record the same also in numerical order in a book so provided for that purpose that the different items of taxes received shall appear separately in columns according to the funds to which they severally belong, a column being devoted to each distinct fund.

Tax receipts; duplicates preserved and filed.

SEC. 10. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the corporation, and every board of officers except as otherwise provided by law. He shall receive all moneys belonging to and receivable by the corporation, and keep accurate accounts of all receipts and expenditures thereon. He shall pay no money out of the treasury, except on a warrant signed by the proper officers or persons and countersigned

Treasurer, duty of.

Statement,  
detailed  
monthly.

State and  
county taxes.

Settlement  
with council.

by the controller, which shall specify the purpose for which the amount thereof is to be paid, except that when required by law he shall pay over to the county treasurer the amount of all State and county taxes collected by him. He shall keep an accurate account of and be charged with all taxes and moneys appropriated, raised or received for each fund, board or other body; shall keep a separate account for each fund, and shall pay every warrant out of the particular fund, board and other body, constituted or raised for the purpose for which said warrant was issued and having the name of such fund endorsed thereon by the controller. He shall keep an accurate account and report to the common council at the end of each quarter, commencing August first, eighteen hundred ninety-three, a detailed statement of all taxes collected and money received, as well as money disbursed. He shall make a monthly detailed statement to the controller of the amount received and credited by him to each fund, board or other body, and on what account received, and shall also when required, exhibit a general statement showing the financial condition of the treasury, which account, report and statement, shall be filed in the office of the controller. The treasurer shall keep an office where the books and accounts in his charge belonging to the city shall be open to the inspection of any taxpayer of said city at reasonable hours in any week day. And where all bonds, coupons and warrants, the place of payment of which is not otherwise designated, shall be presented for payment, and the treasurer shall not discriminate as to parties holding bonds, coupons, warrants or other lawful demands. The city treasurer shall collect all the State and county taxes assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer, water, light and power, and school taxes, and all such special taxes and assessments as may from time to time be levied by the common council for the improvement of the streets, the construction of sidewalks, or any other purposes authorized by this charter or the laws of this State, as may be placed in his hands for collection by the controller or other proper officer of said city; and the warrant of the controller of said city shall confer full power and authority upon said treasurer to collect by levy and sale, all the taxes set forth upon any copy or transcript of any general or special roll so placed in his hands, the same as warrants made by supervisors of townships under the laws of this State, and such treasurer shall have all the powers to enforce collection of said taxes as is conferred upon township treasurers by the general laws of the State, shall execute duplicate receipts for all taxes collected by him, both of which duplicate receipts shall be countersigned by the controller, one of which shall be given to the person paying the taxes and the other of which shall be filed with the controller, and the treasurer shall mark the taxes paid upon the proper rolls. He shall once in each year, and oftener if required, settle with the

common council and with said boards, and upon the order of the common council or any of the respective boards shall pay over all moneys in his hands subject to their order and shall deliver all obligations and valuable papers in his possession to his successor in office when required.

SEC. 14. All fines, penalties and forfeitures recovered by any of said justices for the violation of penal laws, shall, when collected, be paid into the county treasury on the first Monday in each month; and all other fines, penalties and forfeitures recovered by any of the said justices shall, when collected, be paid to the city treasurer; and each of said justices shall report on oath to the common council, at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice, the name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and the amount thereof, and all the moneys by him received for or on account thereof, which moneys so received or which may be in his hands, collected on such fines, penalties or forfeitures, and to be paid into the city treasury, shall be paid into the city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office. The justices of the peace of said city shall qualify in the same manner and give like security as is required by law of justices of the peace elected in townships, and all the laws of this State applicable to justices of the peace elected in townships and to the court held by such justices of the peace, except as otherwise provided in this act, shall apply to justices of the peace of said city and to courts held by justices of the peace of said city. The term of office shall commence on the fourth day of July next succeeding their election, except when elected to fill an existing vacancy, in which case they shall qualify within ten days after notice of their election, and may at once enter upon the duties of their office.

Fines, penalties, etc. where paid.

Justices to report monthly.

Justices of the peace; law governing.

Term.

## CHAPTER X.

SEC. 22. The mayor shall, as soon as practicable after this act shall go into effect, appoint by and with the consent of the common council a park, cemetery and street commission to consist of five electors of the city, who, when appointed, shall serve from the date of their appointment for the following terms thereafter and until their successors are appointed and enter upon the discharge of the duties of their offices, viz., one for one year; one for two years; one for three years; one for four years from and after and one until the fifteenth day of April in the year when appointed. Upon the expiration of the term of office of any member of the commission, his successor shall be appointed in like manner

Park, cemetery and street commission.

Terms.

Death, removal, etc.

Mayor a member ex-officio.

Name of organization.

President.

Secretary.

Employment of clerks, engineers, etc.

Proviso, compensation.

Ordinances now in force.

Control of streets, sewers bridges, etc.

for the term of five years from and after the fifteenth day of April in the year when appointed, and until his successor is appointed and enters upon the duties of his office. Upon the death, removal or resignation of any member of said commission, the mayor shall, as soon after as practicable, appoint another elector of said city as a member of said commission for the unexpired term. The mayor shall be ex-officio a member of the said commission.

SEC. 23. The said commission when appointed and organized shall constitute a park, cemetery and street commission of the city of Marquette, which shall be known by the name and style of "The park, cemetery and street commission of the city of Marquette." They shall choose one of their number as president, who shall hold his office until the fifteenth day of April next ensuing the date of his election, and until his successor is chosen. They shall also appoint a secretary who shall hold his office during the pleasure of the board. Before entering on the duties of their office said commissioners shall take and file with the recorder an oath or affirmation as in the case of other officers of said city. Said commissioners may prescribe the rules governing their proceedings and shall cause full minutes of their proceedings and doings to be kept in a book for that purpose, which shall be deemed to be a public record, which shall be at all times open to the inspection and examination of every citizen or taxpayer of the city of Marquette; which proceedings shall be published in a newspaper of the city at least quarterly.

SEC. 24. Said commission shall have power to employ such superintendents, clerks, collectors, engineers, surveyors and all such other employes as it may deem necessary to enable it to perform its duties under this act and to prescribe their duties and compensation: *Provided*, That in no case shall said commissioners receive directly or indirectly any compensation for their services.

SEC. 27. All ordinances of the common council and parts thereof now in force relating to the parks and cemeteries of said city, not inconsistent with this chapter, shall be and remain in force until amended or repealed, and the powers and duties heretofore pertaining to the park and cemetery commission of the city of Marquette shall devolve upon and be performed by said commission.

SEC. 30. Said commission shall have full government, control, direction and management of all work on the streets, sidewalks, sewers and bridges of the city of Marquette, and of the letting and performance of all contracts in relation thereto. Said commission shall have full direction, control and management of the repair and maintenance of all existing streets, sewers and bridges and the repair of sidewalks, and shall build new streets, crosswalks, sidewalks, sewers and bridges when ordered so to do by the common council of said city. It shall be the province of the common council

to fix and determine all grades and changes of grade of the streets, sidewalks, sewers and bridges. So far as necessary to enable the said commission to construct, repair and maintain streets, sidewalks, sewers and bridges, said commission shall have full control of the streets and may limit or prohibit the use of any portion thereof by any and all persons and corporations for such time as may be necessary. Said commission shall not incur any indebtedness beyond the sum of ten thousand dollars, which they may do in anticipation of the collection of tax levy or of the receipt of money appropriated or authorized to be raised or borrowed for its use.

Indebtedness  
may incur.

Sec. 32. It shall be the duty of the said commissioners prior to the second Monday in June in each year, to submit to the common council of said city an estimate of the anticipated revenue from the property under its control and of the amount of money which will be needed by them for the ensuing year, specifying as near as practicable the items and amounts thereof. And the common council is hereby authorized and empowered to appropriate the same, or such portion thereof, not less than one-fifth of one per cent of the total assessed valuations of the city, as they shall determine for such purposes and levy and collect special tax therefor, or embrace the same in the next general tax levy for said purposes, as in other cases, and in the same manner and with like effect as other city taxes. Said report shall also embrace a statement of the amount of the bonds of the city issued for any and all of the purposes within the charge of said commission, and interest thereon, which will become due and payable during the ensuing year, and it shall be the duty of the common council to make provision for and pay or renew the same.

Estimate of  
anticipated  
revenue, etc.

Tax levy.

Statement of  
bonds due  
and payable.

Sec. 33. All moneys raised and appropriated for any of the purposes within the charge of said commission, and all moneys received from the sale of any property under the charge of said commission or otherwise, shall be forthwith paid into the treasury of the city, and so much thereof as is received from the sale of burial lots shall be paid into a fund to be called the Cemetery fund, which shall be disbursed exclusively for the care, preservation and ornamentation of the cemetery in which said burial lots are located; and all accounts and bills payable, properly incurred by said commission, shall be allowed and certified by said commission, and when verified by the claimant as other claims against the city, shall be audited by the controller and when so audited shall be paid by the city treasurer out of any funds in his hands, appropriated or applicable thereto, upon an order drawn and signed by the president and secretary of said commission and countersigned by the controller.

Moneys, dis-  
position of.

Cemetery  
fund.

## CHAPTER XII.

Tax roll.	SEC. 3. When said assessment roll shall have been so certified, it shall be the duty of the controller to forthwith make a copy of said assessment roll, which copy shall be known as the tax roll, and as soon as the city, school, library, water, light and power and highway taxes, and other local taxes and assessments are fixed and determined, he shall apportion, spread and extend on such tax roll all the taxes authorized to be raised for city, school, library, water and light and power purposes and other local taxes and assessments in said city, including the mill tax, and for the purpose of avoiding fractions may proceed as provided by the general laws of the State; and on or before the fifteenth day of July, in each year, he shall deliver said roll with the said taxes spread, extended and apportioned thereon to the city treasurer, with the warrant of said controller thereon commanding the collection of said taxes, the same, as near as may be required by law in warrants of township treasurers for the collection of State, county and township taxes, taking his receipt therefor and charging him with the amount thereof. Upon the receipt of the tax roll by the city treasurer as hereinbefore provided, the taxes therein stated shall become a debt due and payable to the city, and the city treasurer shall forthwith upon the receipt of said tax roll give six days' notice by publication in a daily paper published in said city and by posting the same in at least six public places in each ward, which notice shall be a sufficient demand for the payment of all taxes on said roll, that such tax roll has been deposited with him and that payment of the taxes therein specified may be made to him at any time up to and including the thirty-first day of October thereafter; that upon all such taxes paid before the first day of September a collection fee of one per cent will be charged and on all such taxes paid on or after the first day of September a collection fee of three per cent will be charged: <i>Provided, however,</i> That the failure to give the notice specified in this section for the payment of such taxes shall not invalidate said tax nor relieve the persons assessed from the penalties herein specified.
When delivered.	
Taxes, when due.	
Notice given.	
Collection fee.	
Proviso, failure to give notice.	

## CHAPTER XV.

Board of police commissioners.	SEC. 1. A board of police commissioners of the city of Marquette, Michigan, is hereby established, consisting of the mayor, who shall be ex-officio a member and the president of said board, and of five other persons having the qualifications of electors of said city who, as soon as practicable after this
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act shall take effect, shall be appointed by the mayor, by and with the consent of the common council, to serve without compensation from the date of their appointment for the following terms thereafter and until their successors are appointed and enter upon the discharge of the duties of their office, viz., one for one year; one for two years; one for three years; one for four years from and after and one until the first day of May in the year when appointed. Upon the expiration of the term of office of any member of said commission his successor shall be appointed in like manner for the term of five years from and after the first day of May in the year when appointed and until his successor is appointed and enters upon the duties of his office. Upon the death, removal or resignation of any member of said commission, the mayor shall, as soon thereafter as practicable, appoint another person of such qualifications, as a member of said commission for the unexpired term. The recorder of said city shall be clerk of said commission.

Terms.

Death, removal, etc.

Recorder to be clerk.

Oath.

SEC. 2. Before entering upon the duties of their offices and within ten days after notice of their appointment, said commissioners shall take and file with the recorder the constitutional oath of office and while holding such office shall not be eligible to election as mayor or alderman of said city.

SEC. 3. The mayor and the said commissioners when appointed and organized, shall be known by the name and style of "Board of police commissioners of the city of Marquette." They shall prescribe the rules governing their meetings and proceedings and shall cause full minutes of their proceedings and doings to be kept in a book for that purpose, which shall be a public record and be at all reasonable times open to public inspection; which proceedings shall be published in a newspaper of the city at least quarter-yearly.

Name of organization.

Proceedings published.

SEC. 4. Said police commissioners shall have the custody and control of the city jail and apartments appurtenant thereto and of all the public property, books, records and equipments of the city belonging to or set apart for the use of the police department; and shall have power to purchase at the expense of the city all such books, police department equipment, supplies and property as they shall deem necessary to carry out the objects of this enactment; and all liabilities incurred by them for the same and for police department expenses, shall be audited by the controller of said city and be paid by said city upon warrants of said commission.

Powers and duties of.

SEC. 5. The controller of said city shall have the same supervisory powers and authority over the finances of said commission and the property under their control as he is or may be invested with in respect to the other city boards and commissions; and they shall make to him such reports concerning such finances and property as he may require from time to time.

Finances of board.

SEC. 6. The salaries, fees and other compensation of the respective classes of the police force shall be fixed and in-

Salaries, fees, etc., of police board.

creased or decreased only by the concurrent action of the police commission and the common council.

Duty relative  
to police force.

SEC. 7. Said police commissioners shall appoint, organize, maintain, regulate, control and discipline all the police force of said city, and shall have the exclusive power of appointment, control, suspension and removal of the marshal and police force of said city. They shall appoint and employ one marshal, one deputy marshal, and all such police officers, policemen, special policemen and night watchmen as they shall deem necessary in said city for the enforcement of the laws of the State and the ordinances and regulations of the city, and not exceeding in number, exclusive of special policemen, one for each one thousand of the inhabitants of the city, unless authorized thereto by the common council. They may authorize the mayor to appoint special policemen from time to time, when in his judgement the emergency or necessity may require.

Special police.

Rules and  
regulations.

SEC. 8. The police commission may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of the several members of the police force in matters not provided for by law or the ordinances of the city, and enforce the same by fines to be deducted from the pay of offenders, by reprimand, degradation in rank, suspension or expulsion from the force, or other appropriate means; and shall prescribe and enforce in such manner all such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, offense, and imposition; and protect public and private property from destruction by fire and from unlawful depredation.

Police force;  
of what to  
consist.

SEC. 9. The police force of said city shall consist of the marshal, deputy marshal and all police officers, policemen, special policemen and night watchmen in the city; and each member thereof before entering on the performance of his duties shall file with the recorder the constitutional oath of office, and shall file with the controller of said city such bond to the people of this State for the faithful discharge of his duties as said commissioners shall have required and approved; and shall hold their offices during the pleasure of the said commission.

Chief of  
police.

SEC. 10. The marshal shall be chief of police, and shall have the superintendence and direction of the police force and of all subordinate police officers and night watchmen, subject to the direction of the mayor and said police commissioners, and subject to all such regulations as may be prescribed by said commission. It shall be the duty of the marshal to see that all members of the police force observe the laws of the State, the ordinances of the city, and the rules and regulations of said commission applicable to them and the performance of their duties. He shall serve all papers and notices relating to the business of the city and its boards and commissions which may be delivered to him for that

Duty of.



purpose by any officer of the city or any of the officers of any of the municipal boards or commissions or of school district of said city. He shall also make such reports of the doings of the police force to said commissioners and to the common council as they shall require, and he shall perform all such duties as may be required of him by law, the ordinances of the city and the regulations of the public commission.

SEC. 11. In case of the absence or disability of the marshal or any vacancy in the office of marshal the deputy marshal shall perform for the time being the duties of marshal, and while so acting shall have the powers of marshal. Deputy marshal.

SEC. 12. The marshal may serve and execute anywhere in the State all process in suits and proceedings for violation of the laws of the State or the ordinances of the city; and may also serve in the county of Marquette any other process which by law a constable may serve; and shall receive the same fees therefor as are allowed to constables for like services. Service of process.  
Fees.

SEC. 13. The police commission may authorize the mayor to suspend any policeman or night watchman for neglect of duty, misconduct or other sufficient cause, and to appoint some suitable person to fill such vacancy until the next meeting of the commission. The police commission may at any time for any cause deemed by them sufficient, remove from office the marshal, deputy marshal or any other member of the police force. Suspension for neglect of duty, etc.

SEC. 14. It shall be the duty of the members of the police force, under the directions of the police commission and in conformity with the laws of the State, the ordinances of the city and the regulations of said police commission, to suppress all riots, disturbances and breaches of the peace, and to pursue and arrest any person fleeing from justice in any part of the State; to arrest upon view all persons in the act of committing any offense against the laws of the State, or the ordinances of the city involving a breach of the peace, and to take them forthwith before the proper court or magistrate to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of any of the penal laws of the State or the ordinances of the city; and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare; and for such purposes they shall have all the powers of constables under the general laws of the State. Power and duty of police.

SEC. 15. The said police commissioners shall, on or before the first Monday of June in each year, report to the common council the amount of money estimated by them to be required for all police department expenses for the ensuing fiscal year; and the common council is hereby authorized and empowered to raise and appropriate such sums, or such Estimate of police department expenses.

Police fund. portion thereof as they shall determine for such purposes; which sums and all moneys appropriated for police department purposes shall be paid into and kept in a separate fund in the city treasury to be known as the "Police fund;" and upon which fund all the warrants of said commissioners shall be drawn for the salaries of members of the police force and the other expenditures of said commission; and into which fund there shall also be paid all fees for licenses issued by, and all fines collected for the violation of the charter or ordinances of the city; and the common council is hereby authorized and directed to appropriate and transfer to said fund as may be required from time to time, moneys from any general or contingent fund of the city; and no moneys shall be withdrawn from said police fund except for police department expenditures.

Rewards. SEC. 16. The said police commission is hereby authorized, in their discretion, to offer and pay rewards for the detection and apprehension of criminals, not exceeding in amount in any one case the sum of one hundred dollars, unless authorized thereto by the common council; and they are hereby empowered, in their discretion, to award and pay to members of the police force special rewards for exceptional bravery, fortitude or skill in the discharge of duty, such sums as they may determine in each case, not exceeding in amount to any one person, in any year, ten per cent of the annual salary of such person; and they may, in their discretion, allow and pay for the medical attendance and nursing of members of the police force for injuries received while in the discharge of their duty.

Medical attendance and nursing.

Repealing clause. SEC. 2. All acts and parts of acts inconsistent with or in any manner contravening this act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 7, 1907.

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[No. 386.]

AN ACT to change the boundaries of the townships of Onota and Rock River, in the county of Alger, State of Michigan, by detaching certain territory from the township of Onota, and attaching same to the township of Rock River, and detaching certain territory from the township of Rock River and attaching same to the township of Onota in said county of Alger, and provide for organizing the public schools in each of said new townships.

*The People of the State of Michigan enact:*

Territory detached. SECTION 1. The following described territory now embraced in the township of Onota, in the county of Alger, to-wit: All

of sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, in township forty-six north of range twenty-two west; sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen and eighteen, in township forty-five north of range twenty-two west, is hereby detached from said township of Onota, and the same attached to the township of Rock River, in said county of Alger.

Where attached.

SEC. 2. All of sections one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, township forty-six north of range twenty-one west; all of fractional township forty-seven north of range twenty-one west; and all of fractional township forty-eight north of range twenty-one west, is hereby detached from the township of Rock River, and the same attached to the township of Onota, in the said county of Alger and State of Michigan.

Territory detached.

SEC. 3. All taxes assessed upon any of the lands-described in sections one and two of this act and now remaining unpaid, shall whenever hereafter collected, be paid over to the treasurer of the township to which the lands upon which said taxes were assessed, are by this act attached.

Where attached.

Taxes, disposition of, collected.

SEC. 4. As soon after the taking effect of this act as practicable, the township board of either of said townships of Onota or Rock River may give notice to the other township board, to meet with said township board giving the notice, for a settlement of any matters of difference between said townships, growing out of the division of and change of boundaries of said townships of Onota and Rock River, which notice may be served upon the township clerk, and such notice shall specify the object for which it is given, the place of meeting, which shall be in one of said townships, and the time of such meeting which shall not be less than twenty, nor more than thirty days after service of said notice as aforesaid.

Joint meeting of township board.

Notice, how given.

SEC. 5. It shall be the duty of the said township board of each of said townships of Onota and Rock River, to meet at the time and place designated in the notice, and make a fair and equitable division of the money, rights, credits and personal property, and apportionment of the indebtedness of said townships of Onota and Rock River, as hereinbefore provided. If the township board of either of said townships of Onota or Rock River shall neglect or refuse to meet at the time and place specified for the settlement, after having been duly notified as above provided, or having met shall refuse, fail or neglect to arrive at a settlement of the matters submitted to them in the manner hereinbefore set forth, then the township, giving the notice of such meeting, may file a bill in the circuit court in chancery, in the proper county, against such other township, and after the proper hearing thereon,

Division of money, rights, etc.

In case of failure to meet.

Decree entered.

a decree may be entered in said case, fixing the amount which each of said townships shall be entitled to of the moneys, rights, credits and personal property of said townships, and the said decree may also apportion the amount for which each of said townships shall be liable of the indebtedness, if any, of said townships of Onota and Rock River, shall exist at the time this act becomes operative.

When school districts vacated.

SEC. 6. The public schools belonging to the territory heretofore included within the territory of the township of Onota, as organized under act four hundred ninety-five of the local acts of eighteen hundred eighty-seven, shall continue to operate under the provisions of that act and the board of education, as now constituted, shall control said public schools until the second Monday of July, nineteen hundred seven. The public schools belonging to the territory heretofore included within the territory of the township of Rock River, as organized under act one hundred thirty-eight of the local acts of eighteen hundred eighty-nine, shall continue to operate under the provisions of that act and the board of education, as now constituted, shall control said public schools until the second Monday of July, nineteen hundred seven. And on the said second Monday of July, nineteen hundred seven, the provisions of act four hundred ninety-five of the local acts of eighteen hundred eighty-seven, and the provisions of act one hundred thirty-eight of the local acts of eighteen hundred eighty-nine, as relating to the townships of Onota and Rock River respectively, shall be repealed. On the said second Monday of July, the new township of Onota, as created by this act, shall organize as a single school district and the new township of Rock River, as created by this act, shall be organized as a single school district, in each case under the provisions of act one hundred seventy-six of the public acts of eighteen hundred ninety-one as amended, by act one hundred fifty-four of the public acts of nineteen hundred three. The organization of each of these new townships under the said general act for the organization of township school districts in the Upper Peninsula, shall take place on said second Monday of July and it shall not be necessary that the petition and posting of notices provided for in said act shall be presented, but the people of each of said townships shall meet on said second Monday of July, as is provided in said statute, and elect a board of trustees for each township and thereafter each township shall be a single school district and shall operate under the provisions of the act aforesaid. Within twenty days after each of the new townships shall be organized as single school districts, the board of trustees of each of the new townships shall meet with the former boards of trustees of the townships herein disorganized, and make such settlement and division of the school properties formerly in the possession of the townships of Onota and Rock River, and indebtedness owing by each, as

Organization into single school districts.

Notice and petition not required.

Election of trustees.

School properties, when divided.

said boards may deem just and equitable; upon which settlement the former boards of education of each of said townships shall turn over to the new boards of trustees of each of said townships, all books, records and property in their possession belonging to the public schools of each of said townships, whereupon the old boards of education shall cease to be members of the boards of education of their respective townships.

Books, records, etc., when turned over.

This act is ordered to take immediate effect.

Approved March 7, 1907.

[No. 387.]

AN ACT to incorporate the village of Buckley, in the county of Wexford.

*The People of the State of Michigan enact:*

SECTION 1. All that territory situated in the township of Hanover in the county of Wexford, and described as follows, viz.: Entire section five, the east half of section six, and the northwest quarter of section eight, all in township twenty-four north, range eleven west, be and the same is hereby organized, incorporated, made and constituted a village by the name of Buckley.

Territory incorporated.

SEC. 2. The inhabitants of said village shall be and constitute a body corporate and politic, to be known and designated by the name and title of the village of Buckley, and the said village shall be vested with all the powers and privileges, and subject to all the restrictions and liabilities of villages organized under an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteenth, one thousand eight hundred ninety-five, and all acts amendatory thereof or in addition thereto.

Body corporate and politic.

SEC. 3. The first election of officers for said village shall be held on Tuesday, the nineteenth day of March, one thousand nine hundred seven, at what is known as M. E. Baird's hall, situated in said village.

First election.

SEC. 4. Willis Wightman, Charles L. Merithew, Marcellus E. Corning and Merrill E. Baird are hereby constituted a board of registration and election for the purpose of registering voters for the first election to be held in said village, and to act as inspectors of election at said first election, and said board of registration is hereby directed to meet on the Saturday preceding the said nineteenth day of March in the said M. E. Baird's hall, in the said village of Buckley, and register

Board of registration and election.

Date of meeting.

Notice, how given.	the names of all persons, residents of said village, presenting themselves for registration and having the qualifications of voters under the constitution and laws of this State.
Governing act.	SEC. 5. Notices of said first election of officers of said village shall be posted in three of the most public places in said village at least five days before the date of said election, which notices may be signed by any five electors in said village.
In case of- ficers not elected.	SEC. 6. The said village of Buckley shall in all things, not herein otherwise provided, be governed by the said act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteenth, one thousand eight hundred ninety-five, and the acts amendatory thereof and in addition thereto.
	SEC. 7. In case the officers of said village are not elected at the time designated in section three of this act, the election for such officers may be held at any time within one year from the time designated in said section, notice thereof being given as provided in section five of this act.
	This act is ordered to take immediate effect. Approved March 7, 1907.

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[No. 388.]

AN ACT to detach certain territory from the township of Hiawatha, in the county of Schoolcraft, and organize the same into a new township to be known as the township of Cusino.

*The People of the State of Michigan enact:*

Territory organized.	SECTION 1. The territory described as township number forty-six north, range sixteen west and township number forty-seven north, range sixteen west, now forming a part of the township of Hiawatha in the county of Schoolcraft, is hereby detached from the township of Hiawatha, and organized into a new township to be known and styled the township of Cusino.
Cusino.	
First meeting.	SEC. 2. The first township meeting in said township shall be held at the office building of the C. H. Worcester Company, at Cusino in said township of Cusino on the first Monday in April, A. D. nineteen hundred seven, and Marcel A. Nadeau, Louis Peters and Max Wenzel are hereby made and constituted inspectors of said election, at which said election the qualified voters of said township shall elect by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.
Inspectors of election.	

SEC. 3. If, for any reason the township meeting provided for in the last preceeding section shall not be held at the time specified for holding the same, it shall and may be lawful to hold the same at any time thereafter by giving at least five days' notice of the time and place of holding such meeting by posting notice thereof in four public places in said township, which notice may be given by said inspectors of election or a majority of them.

In case first meeting not held.

Notice given.

SEC. 4. If, for any reason any or all of the inspectors of election hereby appointed shall neglect or refuse to attend the first township meeting and act as such inspector or inspectors, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls of said election, to choose from the electors present one or more persons, as the case may be, to act as inspectors of said election.

When electors may choose inspectors.

SEC. 5. And the said Marcel A. Nadeau, Louis Peters and Max Wenzel, or a majority of them, shall constitute a board of registration of said township for said first township meeting, with like powers and duties of township boards of registration in other cases, and the said board of registration shall hold a session at the office building of C. H. Worcester Company at Cusino in said township of Cusino, on the Saturday next preceeding said election, for the purpose of making a registration of the qualified voters of said township, and notice of such session may be given in the manner and for the same time as provided in the case of holding elections in section three of this act. Said board of registration shall remain in session during the hours provided by general law for the registration of electors in townships and shall be governed by such general law, except as herein otherwise provided.

Board of registration.

Session, where held.

Law governing.

SEC. 6. The said Marcel A. Nadeau, Louis Peters and Max Wenzel are also hereby constituted the election commissioners of said township for said first election and shall do all things required of election commissioners in townships by general law.

Election commissioners.

SEC. 7. The territory hereby detached from the township of Hiawatha and organized into the township of Cusino, is also hereby detached from the township school district of the township of Hiawatha and organized into the township school district of the township of Cusino, and said township school district of the township of Cusino shall be subject to and governed by the provisions of act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, entitled "An act for the organization of township school districts in the Upper Peninsula," as amended by act number one hundred fifty-four of the public acts of nineteen hundred three and other amendatory acts, except as herein otherwise provided.

Division of school districts.

Act governing.

SEC. 8. Leslie F. Chapman, Herman Johnson, William Shew, Jr., Peter Myren and Marcel A. Nadeau are hereby constituted and appointed as trustees of said township school

School trustees.

Trustees to  
meet and or-  
ganize board  
of education.

district of the township of Cusino and they shall severally hold said offices until the first school election held in said district and until their successors are elected and qualified.

SEC. 9. Within ten days after this act shall take effect, the said trustees shall meet in said district and organize as a board of education of said district by selecting from their own number the officers provided for in said act for the organization of township school districts in the Upper Peninsula and the amendments thereto.

This act is ordered to take immediate effect.

Approved March 7, 1907.

[No. 389.]

AN ACT to detach certain territory from the township of Ironwood, in Gogebic county, State of Michigan, and to organize the township of Erwin, in said county; to provide for the division of the liabilities and assets of the present township of Ironwood, and to provide for the division of the assets and liabilities of the township school district of the said township of Ironwood.

*The People of the State of Michigan enact:*

Territory  
organized.

SECTION 1. All the following described territory, to-wit: The southeast quarter of section thirteen, the east half of section twenty-four, the east half of section twenty-five, fractional section thirty-four, and all of sections thirty-five and thirty-six, in township forty-seven north of range forty-seven west, all of township forty-five north of range forty-six west, township forty-six north of range forty-six west, and township forty-six north of range forty-seven west, now forming a part of the township of Ironwood, in the county of Gogebic, and State of Michigan, is hereby detached from the said township of Ironwood, and is hereby erected and organized into a new township to be called the township of Erwin.

Erwin  
township.

First annual  
meeting.

Election  
inspectors.

SEC. 2. The first annual meeting of said township of Erwin shall be held on the first Monday in April next at what is known as the Bonnie schoolhouse, situate in the east half of section twenty-four above described, and the following named electors in said detached territory are hereby named, made and constituted a board of inspectors of election of said township election for the said township of Erwin, to-wit: Axel Holgren, Eric Matson and Andrew Anderson, and at such election the qualified electors shall choose by ballot persons to fill the various township offices for said new township in the manner and form provided by the general laws of this State relative to the election of township officers.



SEC. 3. If, for any reason, all or either of the inspectors hereby appointed shall neglect, refuse or be unable to attend the said first township meeting at the time and place specified, it shall be lawful for the electors of said township, who shall be present at the time and place designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect, refuse or be unable to attend said meeting.

When electors  
to choose in-  
spectors.

SEC. 4. The said Axel Holgren, Eric Matson and Andrew Anderson, or a majority of them, shall constitute a board of registration for said new township, with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at the Bonnie schoolhouse, above named, on the Saturday preceding the holding of said first election; due notice of said meeting to be given by said board of registration, by posting the same in three public places in said new township.

Board of  
registration.

Session, when  
and where  
held.

SEC. 5. If, for any reason, the township meeting provided for in this act shall not be held at the time and place herein specified for holding the same, it shall be lawful to hold the same at any time thereafter by giving at least five days' notice thereof of the time and place of holding such meeting by posting notices thereof in four public places in said township, which notices may be given by said board of inspectors of election, or a majority thereof.

In case first  
meeting not  
held

Notice.

SEC. 6. The township of Erwin hereby created shall be and constitute a township school district and be governed by the provisions of act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, and acts amendatory thereof, providing for the organization of township school districts in the Upper Peninsula.

Township  
school dis-  
trict; act  
governing.

SEC. 7. The assets and liabilities of whatever nature and character belonging to the present township of Ironwood shall be divided between the township of Ironwood and the township of Erwin hereby created in proportion to the assessed valuation of the property in said township as set forth in the assessment roll thereof for the year nineteen hundred six. All taxes now delinquent on any of the property in said township of Ironwood that may hereafter be collected, shall be paid to the township in which the property on which the taxes are delinquent shall be situated.

Assets and  
liabilities;  
division of.

Delinquent  
taxes.

SEC. 8. All school-houses and school sites in the said townships shall be and remain the property of the townships in which the same are situate when this act shall take effect. Within thirty days after this act shall take effect the school boards of such townships shall meet in joint session and make a full, complete and equitable settlement of the assets and liabilities of the said township school district of Ironwood, and said boards shall have full power to enter into agreements and obligations on behalf of their respective districts

School houses  
and sites.

Joint meeting  
of school  
boards.

Deficiencies  
provided for.

to carry such settlement into effect. They shall also have power to provide for any deficiencies in school moneys which may arise and be necessary for the entire support of the schools in said townships for the school year ending in nineteen hundred seven.

Division of  
school  
moneys.

SEC. 9. All school moneys in the hands of the treasurer of the township school district of Ironwood at the date of such joint meeting shall be divided between the township school district of the township of Ironwood and the township school district of Erwin hereby created in proportion to the number of children of school age residing in each township as shown by the last school census of the said township of Ironwood. And all primary school moneys hereafter apportioned to the said township of Ironwood under and by virtue of the school census of the year nineteen hundred six shall be divided in the same manner.

Primary  
school  
moneys.

This act is ordered to take immediate effect.

Approved March 7, 1907.

[No. 390.]

AN ACT to authorize the village of Ecorse in the county of Wayne to borrow money and issue its bonds therefor for the purposes of constructing and maintaining a sewer system in said village, and for the pavement and improvement of River Road in said village, and to provide a tax for the payment of said bonds and interest thereon.

*The People of the State of Michigan enact:*

Bonds for  
sewer, paving,  
etc.

SECTION 1. The common council of the village of Ecorse in the county of Wayne is hereby authorized and empowered to borrow a sum of money not exceeding one hundred fifty-five thousand dollars on the faith and credit of said village, and to issue the bonds of said village therefor, payable at such time not exceeding thirty years, and in such manner as the council of said village shall direct, and bearing a rate of interest not exceeding five per cent per annum, payable semi-annually, which money shall be used in constructing and maintaining a sewer system and in the pavement and improvement of River Road in said village.

Maturity and  
interest.

Majority vote  
to determine.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said village, voting at a regular election in said village, or a special election in said village, called or ordered by the council of said village at any time after the taking effect of this act, shall vote in favor of said proposition; and the council of said village is hereby authorized and empowered to submit the

Election.

question of said loan to the qualified electors of said village, at such regular or special village election, giving due notice thereof, by causing the date, place of voting and object of said election to be stated in printed or written notices posted in at least five public places in said village, not less than fifteen days prior to said election, which notices shall state the amount of money to be borrowed. Notice given.

Sec. 3. The proposition of issuing the said bonds provided for in section one of this act shall be submitted to the electors by ballot, which ballot shall be written or printed or partly written and partly printed, and be of the following form: "For issuing village bonds for constructing and maintaining a sewer system and for pavement and improvement of River Road—Yes ( )." "For issuing village bonds for constructing and maintaining a sewer system and for the pavement and improvement of River Road—No ( )." Said vote shall be canvassed the same as the ordinary vote cast at village elections, and if, upon the canvassing of said vote, it shall be found that a majority of the electors voting upon said proposition have voted in favor of said proposition, the said council of said village shall be authorized to issue the bonds of said village as provided for in the first section of this act. Ballot, form of, etc.  
Canvass.

Sec. 4. It shall be the duty of the council of said village to raise by tax upon the taxable property of said village, in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said village, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and to pay the principal when due. Tax levy.

Sec. 5. The interest upon such bonds shall be payable by the treasurer of said village after the same shall become due on presentation at the place where said bonds are made payable, of the proper coupons, and the said principal shall be payable by the said treasurer after the same shall become due, upon presentation and surrender at the place where made payable, of the said bonds. Interest and principal, when payable.

This act is ordered to take immediate effect.

Approved March 8, 1907.

[No. 391.]

AN ACT to incorporate the city of McBain, in the county of Missaukee.

*The People of the State of Michigan enact:*

SECTION 1. The corporation heretofore created and known as the village of McBain, and the inhabitants thereof, shall be and the same are hereby created and constituted a corporation by the name of the city of McBain, which shall and does Territory incorporated.

Act governing.	<p>embrace the following territory: The southwest quarter of section nineteen and the northwest quarter of section thirty, town twenty-one north of range seven west; also the southeast quarter of section twenty-four and the northeast quarter of section twenty-five, town twenty-one north of range eight west, all in Missaukee county, Michigan, said territory having heretofore been known as the village of McBain; and also such other territory as may hereafter be legally added thereto; and such corporation shall in all things, not herein otherwise provided for, be governed and its powers and duties defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and acts amendatory thereto.</p>
Wards.	<p>SEC. 2. The city of McBain shall be divided into three wards with their several boundaries established as follows: The first ward shall embrace all that portion of said city lying east of the center line of Roland street and the continuations thereof to the northern and southern boundaries of said city. The second ward shall embrace all that portion of said city lying west of the center line of Roland street and south of the center line of Euclid avenue. The third ward shall embrace all that portion of said city lying west of the center line of Roland street and north of the center line of Euclid avenue: <i>Provided</i>, That by ordinance adopted by a two-thirds' vote of the aldermen-elect the boundaries of the wards hereby created may be changed, and new wards added at any time in the manner provided by law.</p>
Proviso, ward changes.	<p>SEC. 3. All ordinances, rules and regulations in force in the village of McBain at the time this act shall take effect and not inconsistent with the provisions thereof or of the laws governing the said city of McBain shall continue in full force and effect until repealed or amended by the city council, and shall stand for and be known as the ordinances, rules and regulations of the city of McBain.</p>
Continuation of ordinances, etc.	<p>SEC. 4. At the time this act shall take effect all rights and property of every kind and description, which are vested in the village of McBain, shall be deemed and held to be vested in the city of McBain as herein incorporated; and no rights or liabilities, either in favor of or against the former village of McBain, shall in any manner be affected by such change.</p>
Rights and property.	<p>SEC. 5. The following officers shall be elected at large among the qualified electors of said city, to-wit: One mayor, one recorder who shall be ex-officio city clerk, one treasurer, one justice of the peace and one supervisor. The mayor, recorder, treasurer and supervisor shall be elected annually and shall hold their offices for the term of one year from the second Monday in April of the year when elected, and until their successors in office shall be elected and qualified.</p>
Election of officers.	<p>SEC. 6. At the first election held in said city in April, nineteen hundred seven, there shall be elected in each ward one constable and one alderman for the term of one year and</p>
Officers elected at first election.	

one alderman for the term of two years, and they shall enter upon their duties the second Monday in April of the year of their election. At each annual election thereafter there shall be elected in each ward one constable for the term of one year and one alderman for the term of two years, and shall serve until their successors shall be elected and qualified.

At annual election.

SEC. 7. The said city shall have no board of public works until its council by a two-thirds' vote of aldermen-elect shall establish one, which shall consist of three freeholders of said city and which shall in all other respects be governed by said act number two hundred fifteen of the public acts of eighteen hundred ninety-five: *Provided*, That the city council shall perform the duties of the same until the establishment of said board of public works.

Board of public works.

Proviso.

SEC. 8. The city of McBain shall comprise a single assessment district, and assessments of property and the spreading of taxes shall be made thereon by a city supervisor at large. The said supervisor shall be a member of the board of supervisors of said county of Missaukee and, as such, shall have the same rights, privileges, powers and compensation as other members of said board of supervisors.

Assessment district.

SEC. 9. The supervisor and two qualified freeholders and electors of said city, to be annually appointed by the council, shall constitute the board of review of assessments of said city.

Board of review.

SEC. 10. The justice of the peace provided for in this act shall be elected at the first election held in said city for the term of four years commencing on the fourth day of July following his election. The said justice of the peace and the said recorder shall each have the same powers, rights, authority and jurisdiction as the justices of the peace elected in the several townships in this State. The said recorder shall have the same duties and obligations and shall file the same bond as the justice of the peace, and his court shall be styled "The recorder's court of the city of McBain."

Justice and recorder.

Powers and duties of.

SEC. 11. The mayor and aldermen of said city shall serve without compensation.

Compensation of mayor, etc.

SEC. 12. The board of registration of the city of McBain shall consist of the three junior aldermen of said city, one from each ward.

SEC. 13. The said three aldermen shall constitute the board of registration for the said city, and shall have all the powers and perform the duties of the boards of registration, as provided by the general registration and election laws of this State for cities of the fourth class.

Board of registration.

SEC. 14. Said board of registration shall have possession and control of the several books of registration of said city and shall keep a list of the registered voters of each ward in a separate registration book.

Registration book, etc.

SEC. 15. Said board of registration shall hold its sessions in the city hall of said city, and shall hold its sessions and open and close the same in accordance with the election and

Sessions, where held.

	registration laws of this State for cities of the fourth class.
Compensation.	SEC. 16. The members of the said board of registration shall each receive the sum of two dollars per day for their services, and no more.
Elections, where held.	SEC. 17. All elections in the said city shall be held in the city hall and there shall be but one polling place in said city for any election.
Inspectors.	SEC. 18. The board of election inspectors shall consist of the three junior aldermen of said city, one from each ward, and two clerks to be appointed by the said inspectors of election on the morning of said election before the opening of the polls.
Chairman of board.	SEC. 19. The said inspectors of election shall choose one of their number as chairman of the board, and each member of the board of inspectors, including the clerks, shall take the constitutional oath of office which either of the members of the said board may administer.
Duty of inspectors.	SEC. 20. The said inspectors of election shall have and keep at said polling place during each election the registration books of the several wards and the ballot boxes of each ward, and they shall keep the ballots of the electors of each ward, voting at such election, in a separate ballot box and make separate returns of said election for each ward.
Compensation.	SEC. 21. The said inspectors of election shall each receive for such service the sum of two dollars per day, and no more.
Law governing election, etc.	SEC. 22. In all other respects, not provided for in this act, the said registration and election shall be governed by the general registration and election laws of cities of the fourth class of this State.
Present officers in village.	SEC. 23. The present officers of the said village of McBain shall continue to hold their offices and to exercise the full powers of the same until they are succeeded by the officers of the city of McBain, elected as herein stated; and the said officers are hereby authorized to make full provision for the registration of electors and for holding the first election under this act.
Present officers in townships.	SEC. 24. The present officers, elected and holding office under the townships of Richland and Riverside and residing within the limits of said city of McBain, shall continue to hold their offices and to have the same rights, powers, authority and jurisdiction as they had before the passage of this act, until their successors are elected and assume their offices.
First city election.	SEC. 25. The first election in the city of McBain shall be held on the first Monday in April next after this act takes effect: <i>Provided</i> , There shall be sufficient time to make a registration of the electors of the several wards of said city and to give the notice of election, required by act number two hundred fifteen of the public acts of eighteen hundred ninety-five; and if not sufficient time so as to hold said first election at the time aforesaid, then the council may appoint a day for the holding of a special election, upon giving like
Proviso, special election.	

notice as required by said act in this section mentioned for the holding of such elections.

SEC. 26. The incorporation of said city of McBain shall not affect the boundaries or rights of the school district known and designated as district number one, fractional, of the township of Riverside, that being the school district to which the schools of the city of McBain belong. Boundaries etc., of school district.

SEC. 27. No special right or franchise to use or occupy any of the public streets or alleys of said city for a longer period than one year may be granted to any persons or corporation, except with the approval of the qualified voters of said city, when submitted to them and voted upon by ballot at a general or special election held for that purpose. Franchises.

SEC. 28. All vital questions of public interest for said city shall be determined by its council when approved and in accordance with the approval of the qualified voters of said city, when submitted to them at a general election or at a special election held for that purpose; and upon the presentation to it of a petition in writing, signed by seventy-five qualified electors of said city, said council shall within thirty days call a special election for the purpose of submitting the questions involved in said petition to a vote in said city: *Provided*, That not more than one special election on any one subject shall be held in any one year upon petition. Questions of public interest.

SEC. 29. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Proviso.

This act is ordered to take immediate effect.

Approved March 8, 1907. Repealing clause.

[No. 392.]

AN ACT to authorize the school district known as public schools of the city of Gladstone, in the county of Delta, to borrow money and issue bonds therefor in the sum of fifteen thousand dollars.

*The People of the State of Michigan enact:*

SECTION 1. The school district known as public schools of the city of Gladstone, in the county of Delta and State of Michigan, is hereby authorized to issue negotiable coupon bonds of the said district on the faith and credit of said district to an amount not exceeding fifteen thousand dollars; said bonds shall be designated "Public school bonds." The board of education of the said school district, by resolution adopted by a majority of its members elect, may determine the time or times when said bonds shall be issued, the denomination and form of said bonds, the time of their payment Bonds for public schools.

Denomination, maturity and rate of interest.

which shall not be more than fifteen years after their date, the rate of interest they shall bear which shall not exceed six per cent per annum, the time when such interest is payable and the manner in which said bonds shall be executed.

Tax levy.

SEC. 2. Said bonds when issued in pursuance of such resolution and when delivered for value, shall be valid and binding obligations of said school district, and the board of education of said district shall have authority to cause to be levied in the manner provided by law for the levy and collection of taxes for the support of the schools in said district, such sums as shall be necessary to pay the interest and principal of said bonds as the same mature: *Provided*, That the board of education of said school district may, when said bonds are falling due, refund the same in such manner as merely to extend the time of payment thereof, but not to increase the indebtedness of said school district.

Proviso,  
refunding.

Proceeds, how  
used.

SEC. 3. The proceeds of said bonds shall be used solely to defray the expense incurred in the erection of school buildings in said district or making repairs and additions thereto and equipping the same whether such expense shall have been or shall hereafter be incurred.

This act is ordered to take immediate effect.

Approved March 9, 1907.

[No. 393.]

AN ACT to authorize the city of Benton Harbor, in Berrien county, to issue bonds for the purpose of borrowing money with which to refund certain outstanding indebtedness and issue bonds therefor.

*The People of the State of Michigan enact:*

Refunding  
bonds.

SECTION 1. The city council of the city of Benton Harbor, in the county of Berrien, by a two-thirds vote of the members-elect, is hereby authorized and empowered to borrow money on the faith and credit of said city and issue bonds therefor to an amount not exceeding thirty thousand dollars for the purpose of refunding and extending the time of payment of indebtedness of said city, and to provide for the payment of said bonds by tax upon all taxable property of said city.

Denomina-  
tion, etc.

SEC. 2. Said bonds shall be issued in denominations, payable at such times, not more than twenty years after date, and at such place as the city council may determine, with such rate of interest not exceeding five per cent per annum, as the said city council shall direct, payable semi-annually, and shall be signed by the mayor and clerk of said city, and



negotiated by or under the direction of said city council at not less than par value, and the money arising therefrom shall be appropriated by said city council for the purpose of refunding and extending the time of payment of indebtedness of said city, in such manner as to change, but not increase the aggregate indebtedness of the city.

SEC. 3. It shall be the duty of the city council of said city to raise by tax upon all the taxable property in said city, in addition to all other taxes authorized by law and the charter of said city, such sum or sums annually as may be necessary to provide an interest and sinking fund to pay said bonds at maturity and the interest thereon as it becomes due. Tax levy.

This act is ordered to take immediate effect.

Approved March 11, 1907.

[No. 394.]

AN ACT to authorize the city of St. Joseph, in the county of Berrien, to borrow money and issue its bonds therefor, to the amount of thirty thousand dollars, for the purpose of building a bridge in said city, one-half of which sum shall be in addition to the amount said city is now authorized by law to so borrow.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of St. Joseph, in the county of Berrien, is hereby authorized to borrow money on the faith and credit of said city, to the amount of thirty thousand dollars, for the purpose of building a bridge in said city, one half of which amount is to be in addition to the amount said city is now authorized to borrow under the provisions of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class." *Provided*, That two-thirds of the electors of said city, voting on the said proposition at the annual election to be held in said city in the year nineteen hundred seven, shall vote in favor of the said loan. Bonds for bridge.

SEC. 2. The question of raising the said money shall be submitted by the common council of said city to the electors thereof, and the vote shall be taken as nearly as may be in accordance with the provisions of said act number two hundred fifteen of the public acts of eighteen hundred ninety-five. The said common council of the city of St. Joseph shall prescribe the form of the ballot to be used, and shall provide Proviso; electors' approval.

Question submitted.

**Canvass.** separate ballot boxes for the reception of the same. The votes cast for or against said proposition shall be canvassed and certified in the same manner as the votes cast for the several city officers at said election.

**Bonds, manner of issue.** SEC. 3. If said loan shall be authorized by two-thirds of the electors voting on said proposition, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, payable at such times and places, with such rates of interest as the said city council shall determine and direct. Such bonds shall be signed by the mayor of said city, countersigned by the clerk of said city and negotiated by or under the direction of the common council and the money raised therefrom shall be appropriated and expended for the purpose hereinbefore specified, in such manner as said common council shall direct.

**Tax levy.** SEC. 4. The said city council shall have the power, and it shall be their duty, to raise by taxes upon the taxable property of said city, from time to time such sums of money as shall be sufficient to pay the amount of the principal and interest of said bonds as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved March 11, 1907.

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[No. 395.]

AN ACT to incorporate the village of Redford in the county of Wayne.

*The People of the State of Michigan enact:*

**Territory incorporated.** SECTION 1. All that territory situate and being in the township of Redford, county of Wayne and State of Michigan, and described as follows, to-wit: Beginning at the north-east corner of the south one-half of the northwest quarter of section ten, thence along the quarter lines of sections ten and fifteen south one mile; thence west one mile on sections fifteen and sixteen to the quarter line of section sixteen; thence north on said line and the quarter line of section nine one mile; thence east on sections nine and ten one mile to the place of beginning, all in township one south, range ten east and embracing one square mile of territory according to the United States survey thereof, is hereby organized, incorporated, made and constituted a village to be known in law as the village of Redford.

**Body corporate and politic.** SEC. 2. The inhabitants of said village shall be and constitute a body corporate and politic to be known and distinguished by the name and title of the village of Redford, and the said village shall be vested with all the powers and

privileges and subject to all the restrictions and liabilities of villages organized under an act, entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and all acts amendatory thereof and in addition thereto.

Sec. 3. The first election of village officers for said village of Rockford shall be held on Monday, the eighteenth day of March, nineteen hundred seven at the building known as Masonic Hall in said village. First election, when held.

Sec. 4. H. Perrin Burgess, John W. Hawthorn, Thomas C. Houghten and Thomas H. Johnson are hereby constituted a board of registration and a board of election commissioners for the first election to be held in said village, and to be and act as inspectors of election at said first election. Said board of registration is hereby directed to meet on the Saturday next preceding the date herein fixed for said election in the said Masonic Hall at nine o'clock in the forenoon and be and remain in session until five o'clock in the afternoon of said day, for the purpose of registering the names of all persons residents of the territory herein incorporated, who shall present themselves for registration and who shall have the qualification of voters at township meetings under the constitution and laws of the State of Michigan. Written notices shall be posted in three of the most public places in said village at least five days before the meeting of said board as herein provided. Said notices shall be signed by the board of registration herein made and constituted. Board of registration, etc.

Sec. 5. Written notices of the time and place of holding such election as provided in section three of this act, signed by said election inspectors, shall be posted in three of the most public places in said village at least one week immediately preceding said election. At such election the polls shall be opened at nine o'clock in the forenoon and shall be closed at five o'clock in the afternoon. Date of meeting.

Sec. 6. The said village of Redford shall in all things not herein otherwise provided be governed by the said act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and all acts amendatory thereof and in addition thereto. Notice given.

Sec. 7. In case officers of said village shall not be elected at the time designated in section three of this act, the election for such village officers may be held at any time within six months after the time designated in said section, notices thereof and of the registration therefor being given as provided in sections four and five of this act. Election, notice of, how given.

This act is ordered to take immediate effect. Polls, when to open and close.

Approved March 11, 1907. Act governing.

In case officers not elected.

[No. 396.]

AN ACT to annex certain territory to the village of Iron River, in the county of Iron and State of Michigan.

*The People of the State of Michigan enact:*

Territory  
attached.

SECTION 1. All of the north half of the northeast quarter, entire northwest quarter, west half of the southwest quarter, southeast quarter of the southwest quarter, southwest quarter of the southeast quarter, of section twenty-six; and the west half of the west half of section twenty-five; all in township forty-three north, range thirty-five west of the Michigan meridian, is hereby attached to the village of Iron River, in the county of Iron and State of Michigan, and made a part thereof.

Government.

SEC. 2. The territory herein described and being annexed to said village, with its inhabitants, shall have and enjoy all the rights and benefits and shall be subject to all the laws, ordinances and regulations, which shall at any time be enforced in said village, and shall be in all respects subject to its municipal government as an integral portion thereof and liable to assessments and taxation as such.

Provisions  
applying to  
annexed  
territory.

SEC. 3. All the provisions of law relating to said village of Iron River, as they now exist, and all amendments thereof hereafter made and all pertinent provisions of law, as well as all by-laws, rules, regulations and ordinances of the said village of Iron River, shall apply to said annexed territory with the same effect as to all other territory within said village.

This act is ordered to take immediate effect.

Approved March 12, 1907.

[No. 397.]

AN ACT to provide for the appointment of an assistant prosecuting attorney for the county of Lenawee.

*The People of the State of Michigan enact:*

Assistant  
prosecuting  
attorney.

SECTION 1. The prosecuting attorney of the county of Lenawee is hereby authorized and empowered to appoint an assistant prosecuting attorney.

Term of  
office.

SEC. 2. The said assistant prosecuting attorney shall hold office during the pleasure of the prosecuting attorney.

Form of  
appointment,  
filing, etc.

SEC. 3. Every appointment of an assistant prosecuting attorney under this act shall be in writing under the hand

of the prosecuting attorney and shall be filed with the clerk of said county and shall continue to remain in force until the prosecuting attorney for said county shall file in writing a revocation of the same.

SEC. 4. The said assistant prosecuting attorney shall perform such duties as may be required of him by the prosecuting attorney, and shall be subject to all the disqualifications and disabilities of the prosecuting attorney, and shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this State and file the same, together with his acceptance, with the county clerk of said county. Duty of.  
Oath.

SEC. 5. The said assistant prosecuting attorney may sign and verify informations, and may and shall perform and execute all the duties required by law of the prosecuting attorney, during the sickness, absence or disability of the prosecuting attorney, or in his presence at his request. Power of  
assistant.

SEC. 6. The salary of the said assistant prosecuting attorney shall be fixed by the board of supervisors of the said county of Lenawee. Salary, how  
fixed.

This act is ordered to take immediate effect.

Approved March 12, 1907.

[No. 398.]

AN ACT to provide a justice court for the city of Pontiac, to limit the number of justices therein to one, to provide for his election and compensation, and to prescribe his powers and duties.

*The People of the State of Michigan enact:*

SECTION 1. That hereafter there shall be but one justice of the peace in the city of Pontiac, who shall be elected and have such powers and perform such duties and receive such compensation as are prescribed in this act. One justice  
of the peace.

SEC. 2. On the first Monday in April, nineteen hundred seven, and every four years thereafter, the qualified electors of said city shall elect one justice of the peace for said city, who shall qualify and enter upon the duties of his said office at the same time and in the same manner as justices of the peace in the townships of this State. When elected  
and term.

SEC. 3. The board of supervisors of the county of Oakland shall provide suitable rooms for the accommodation of said justice of the peace, including such a jury room as may be necessary, which rooms shall be as nearly contiguous to each other as in the discretion of the board the convenient dis- Rooms for  
justice, etc.

Dockets,  
supplies.

patch of business in said court requires. Said board of supervisors shall also provide for the use of said justice the necessary dockets, account books, supplies and text books, including Michigan supreme court reports, blanks, stationery, furniture, fixtures, telephone, heat and light, and shall provide the necessary fund for his salary.

Justice to  
receive files,  
records, etc.

SEC. 4. The justice of the peace of said city, provided for in this act, shall be entitled to receive from the justices of the peace whose terms of office shall expire on the fourth day of July, nineteen hundred seven, all files, records and dockets by them kept pertaining to their said offices; and said justice shall be and is empowered to issue executions upon any judgments appearing on said dockets with the same effect as if said judgments had been rendered by him. And any action or proceeding pending before any justice of said city at the time his said term of office shall expire, shall be transferred to the justice elected under this act, and he shall have full jurisdiction to proceed with the same in the same manner as said justice himself, if he were to continue in said office, might proceed; and to institute and conduct such supplemental proceedings based upon any judgment rendered by said justices or their predecessors in office as the interested parties might cause to be instituted, if such justices were to continue in office.

Proceedings  
transferred.

Supplemental  
proceedings.

Jurisdiction.

SEC. 5. Said justice of the peace, located in the city of Pontiac and duly qualified according to law, shall have original jurisdiction of all civil actions wherein the debt or damages do not exceed the sum of one hundred dollars; and concurrent jurisdiction of all civil actions *ex contractu* and *ex delicto*, wherein the debt or damages or property involved does not exceed the sum of five hundred dollars, except as provided in section seven hundred four of the Compiled Laws of Michigan of eighteen hundred ninety-seven. Said justice shall also have the same jurisdiction in criminal cases and matters as justices of the peace in the several townships of this State have, including the power to hear and determine all cases under the ordinances of said city providing for fines, penalties or forfeitures.

Criminal  
cases.

Exclusive  
jurisdiction.

SEC. 6. Said justice of the peace of the city of Pontiac, as against all other justices of the peace, shall have exclusive jurisdiction of all civil actions and proceedings within his jurisdiction, where both of the parties shall, at the time of the commencement of such action or proceedings, be residents of said city. He shall also have a like exclusive jurisdiction, where the original cause of action exists in favor of a resident of said city, but has been by him assigned: *Provided, however,* Such assignee resides in Oakland county. He shall also have jurisdiction in all cases where either or any of the parties reside in said city. Said justice shall also be qualified and empowered to administer oaths, take acknowledgments of deeds and solemnize marriages, as other justices are authorized by law to do.

Proviso,  
residence of  
assignee.

SEC. 7. Said justice of the peace shall receive from the <sup>Salary.</sup> treasurer of Oakland county an annual salary of fifteen hundred dollars, payable in monthly installments on the certificate of the clerk of said county, except as hereinafter provided.

SEC. 8. This act shall in no way affect the fees to which <sup>Fees.</sup> said justice of the peace shall be entitled for the performance of marriage ceremonies, taking acknowledgments and administering oaths, in matters not connected with any litigation in said justice court.

SEC. 9. Said justice shall have his court room open, and <sup>Court hours.</sup> he shall be in attendance on the duties of his office therein from nine o'clock in the forenoon, standard time, until twelve o'clock noon, and from one-thirty o'clock until five o'clock in the afternoon of each day excepting Sundays and holidays, excepting when absent on official business or otherwise unavoidably detained from his office.

SEC. 10. The board of supervisors of said county may ap- <sup>Clerk, salary of.</sup> point a clerk to assist said justice in the performance of his duties, and fix his salary, the same to be paid by the county of Oakland in the same manner as hereinbefore provided for the payment of the salary of said justice of the peace.

SEC. 11. Before any civil action or proceeding, except <sup>Court fees in civil cases.</sup> proceedings in garnishment, shall be commenced in said justice court, there shall be paid to the justice of said court by the party bringing the action the sum of one dollar, and the amount of the prospective fees of the officer for serving the writ or process by which such action is commenced, to be determined by the justice, and before the trial of such action or proceeding shall be commenced, a trial fee of fifty cents, but in cases of non-suit no trial fee shall be required and proceedings in garnishment shall be treated as part of the principal case, except garnishment proceedings commenced upon judgment rendered prior thereto, in which cases an entry fee and trial fee shall be paid as in other actions herein provided. The fees paid to the justice for the service of such writ or process by which the action is commenced shall be retained by said justice until the writ or process has been returned duly served, or said cause is brought to issue, when the said fee or fees shall be paid by said justice to the officer making the service, taking his receipt therefor and placing the same in the files of said cause, and all jury fees paid to said justice shall be paid by him to the jurors entitled thereto: *Provided*, That, if it appears by the files in said cause that <sup>Proviso.</sup> no service has been made for three months after the date of the original writ or process, then such officer's fees which have been paid into the court shall be returned by the justice to the plaintiff in the suit.

SEC. 12. Said justice of the peace shall on Monday of each week turn over all fees, fines, penalties and other moneys by <sup>Fees, fines, etc., when turned over.</sup> him received by virtue of his said office, excepting jury fees and officer's fees paid out by him under the provisions of

section eleven of this act, and excepting as hereinafter provided, together with an itemized statement of the same, showing the sources from which said moneys were received and the dates on which the same were paid to said justice, to the treasury of the county of Oakland, where such statement shall be filed for the convenience of the board of supervisors in auditing the books of said justice of the peace.

Docket, how kept.

SEC. 13. Said justice of the peace shall be required to keep his docket or dockets in such a manner that the same shall at all times disclose every entry therein to be made, and a record shall therein be made contemporaneously with every act and step taken on and after the issuance of process in any cause.

Jury, questions determined by.

SEC. 14. The jury impanelled in any cause to be heard before said justice of the peace shall determine any and all questions of fact in such case, but it shall be the duty of said justice hearing said cause to decide all questions of law applicable to said cause, and he shall instruct the jury upon questions of law when requested so to do by either of the parties to any cause pending before him, or by their attorneys.

Money for use of county.

SEC. 15. The money paid to said justice of the peace upon commencement of suit and for trial fees, and the fees for making returns on appeals or writs of certiorari, and the entry fees for filing the same shall be for the use of the county and shall be in full of all fees in civil actions from the commencement thereof to and including the issuing of execution therein. The sum or sums so paid, including the jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the suit, in addition to any other costs to which he may be entitled by law. In criminal cases the same costs shall be paid and in the same manner as in proceedings before justices of the peace in townships, excepting that the same shall be paid to the justice and by him turned over to the county treasurer as hereinbefore provided.

Costs of suit.

In criminal cases.

Bonds.

SEC. 16. In cases where a party is required by law to give a bond or other security as a condition of commencing suit, action or proceeding in said justice court, said party may execute and file such bond or give such other security, or he may in the discretion of said justice deposit with him the amount of the bond or security required, the amount to be determined by said justice, in legal tender funds of the United States; and in garnishment proceedings the principal defendant may have any money or effects released, which have been garnisheed, by filing with said justice a surety company or other good and sufficient bond, to be approved by said justice, in amount double the amount of the plaintiff's claim, stated in his affidavit, and not less than fifty dollars, or by depositing with the justice of the peace an amount equal to such bond, which money shall remain with said justice until disposed of according to law. A certificate of such deposit, setting forth the cause in which, the amount thereof, the per-

Certificate of deposit.



son by whom, the purpose for which, and the time when deposited, shall be given to the party depositing the same by said justice. Upon the final disposition of the case, action or proceeding in which such deposit was made, in case the party making such deposit shall be adjudged liable to pay the costs of such suit or proceedings, or to pay any other sum, to secure the payment of which said deposit was made, then such funds, so deposited, shall under the direction of said justice be applied in payment and satisfaction of the same. Should any surplus remain after satisfying such order of the justice, the same shall be turned over to the party depositing the same.

When applied in satisfaction.

Surplus.

SEC. 17. The justice of the peace, mentioned herein, shall have the power to make and adopt such rules of practice in said justice court as he may deem advisable for the purpose of facilitating the business in said court.

Justice court rules.

SEC. 18. In case a vacancy shall at any time occur in the office of said justice of the peace of said city of Pontiac by death, removal, resignation or other cause, it shall be the duty of the mayor, by and with the consent of the council of the city of Pontiac, to fill such vacancy by appointment of some suitable person who shall duly qualify therefor and fill such vacancy until the next general or special election in the city of Pontiac, when a justice of the peace shall be elected to fill the unexpired term of said office. In case of the sickness of said justice or his absence from the city of Pontiac or his inability from any cause, temporarily or negligently, to perform the duties of his said office, any such matter or cause pending before him shall stand continued before him two weeks, at the end of which time, unless said justice shall be able to attend to the same, such cause or matter shall stand transferred to the justice of the peace of the township of Pontiac, whose term of office shall soonest expire, and be heard or tried before him in the same manner and time as in case of a vacancy: *Provided*, That this act shall not be construed to prevent the transfer of causes by justices under the existing provisions of the general laws of this State, but in cases where applications shall be made for such transfers in the city of Pontiac, if the same shall be granted, such transfers shall be made to one of the justices of the peace of said township.

Vacancy, how filled.

In case of sickness, etc.

Proviso, transfer causes.

SEC. 19. None but attorneys-at-law of at least three years' standing shall be eligible to be elected or appointed to the office of justice of the peace under the provisions of this act, and said justice of the peace shall not during the term of his said office act as attorney or solicitor in any court in Oakland county, nor shall said justice engage in the collection of claims or accounts or be connected with any collection agency; neither shall he counsel with or advise any person in any matter, which is likely to or may come before him.

Attorneys-at-law; none but, eligible to election, etc.

SEC. 20. In addition to his powers and duties as justice of the peace, under the laws governing justices of the peace

Additional powers, r

in townships of this State, said justice shall exercise such other powers and duties as are in this act provided, and shall have authority to try and determine all cases, both civil and criminal, arising under the ordinances of the city of Pontiac; and all the provisions of law in this State, having application to justices of the peace in the several townships thereof, shall apply to said justice and said justice court in said city, excepting as far as they are repugnant to or inconsistent with the provisions of this act.

Return and  
statement of  
fines, etc.,  
when made.

SEC. 21. Said justice of the peace shall on Monday of each week pay into the city treasury all fines, penalties or forfeitures by him received or collected in any matter or proceedings, prosecuted or had under or by virtue of any ordinance of said city of Pontiac, and at the same time shall file with the city treasurer an itemized statement of the same, showing sources from which said moneys were received and the dates on which the same were paid to said justice.

Fees justice  
may collect.

SEC. 22. Said justice of the peace shall be entitled to collect from said city of Pontiac, for all matters or proceedings, prosecuted or had under or by virtue of any of the ordinances of the city of Pontiac, such fees as are now allowed to justices of the peace in said city, and on allowance by the council of said city of Pontiac of any claim made by said justice for such fees, the clerk of said city shall immediately certify the amount of the same to the county clerk of Oakland county, and the fees so claimed by said justice and certified to by said clerk, as allowed, shall be deducted from the amount of said justice's salary for the next succeeding month. Said justice of the peace shall present monthly all such claims for allowance by the council of said city of Pontiac, and for any neglect in this particular he may be suspended or removed from office.

Claims pre-  
sented for  
allowance.

This act is ordered to take immediate effect.

Approved March 12, 1907.

[No. 399.]

AN ACT to authorize the Mecosta county agricultural and industrial society to convey certain real estate to the county of Mecosta, and authorizing said county to accept conveyance thereof and to own and hold the same.

*The People of the State of Michigan enact:*

Conveyance  
of real estate  
to county.

SECTION 1. Whenever the Mecosta county agricultural and industrial society, by the vote of a majority of a quorum of its board of directors present and voting at any meeting of said board, shall order the conveyance of all its real estate

situated in the city of Big Rapids, in said county of Mecosta, to said county of Mecosta, the president and secretary of said society are hereby authorized and empowered to convey the same to said county and to make and execute good and sufficient deed or deeds of conveyance thereof to said county.

Sec. 2. The county of Mecosta is hereby authorized and empowered to accept said conveyance and to own and hold the real estate so conveyed. County authorized to accept.

This act is ordered to take immediate effect.

Approved March 12, 1907.

[No. 400.]

AN ACT to amend section one of chapter ten, section one of chapter eleven and section seventeen of chapter thirteen of act three hundred thirteen of the local acts of eighteen hundred ninety-three, entitled "An act to incorporate the city of Belding in the county of Ionia and State of Michigan."

*The People of the State of Michigan enact:*

SECTION 1. Section one of chapter ten, section one of chapter eleven and section seventeen of chapter thirteen of act three hundred thirteen of the local acts of eighteen hundred ninety-three, entitled "An act to incorporate the city of Belding in the county of Ionia and State of Michigan," are amended to read as follows: Sections amended.

CHAPTER X.

GENERAL POWERS OF CITY CORPORATION.

SECTION 1. The said city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned, and the council may pass such ordinances in relation thereto and for the exercise of the same, as they may deem proper, viz.: Further powers.

First. To restrain and prevent immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto or for unlawful interference therewith; Immorality, disturbances, etc.

Vagrants.	Second, To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;
Nuisances.	Third, To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or abate the same, and generally to determine and declare what shall be deemed nuisances;
Disorderly houses.	Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;
Gambling.	Fifth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;
Saloons.	Sixth, To regulate, prohibit, suppress and limit the number of ale, beer and porter houses, and all places of resort for tippling and intemperance and to punish keepers thereof, and all persons assisting in carrying on the business thereof, and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council may prescribe;
Drunkards, liquors.	Seventh, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person so doing;
Violations of Sabbath.	Eighth, To prevent violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day;
Inspection of provisions.	Ninth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions;
Lumber, etc.	Tenth, To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise;
Weights and measures.	Eleventh, To provide for the inspection and sealing of weights and measures;
Vendors.	Twelfth, To enforce the keeping and use of proper weights and measures by vendors;
Vaults, etc.	Thirteenth, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;
Indecency.	Fourteenth, To prohibit and prevent in the streets or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;

Fifteenth, To regulate and prohibit bathing in the ponds, streams and waters of the city; Bathing.

Sixteenth, To provide for clearing the ponds and streams of the city, and the races connected therewith, of all drift-wood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive; Filth, etc.,  
in streams.

Seventeenth, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, or other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city; Unwholesome  
places.

Eighteenth, To regulate the keeping, selling and using of gunpowder, fire crackers and fire works, and other combustible materials and the exhibitions of fire works, and the discharge of fire arms, and to restrain the making or lighting of fires in the streets and other open spaces in the city; Combustibles.

Nineteenth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereon on the lot or premises having the cellar, slip, barn, private drain, sink or privy thereon; Cellars, drains.

Twentieth, To prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing, or attempting to manage, use or practice the same and all persons aiding in the management thereof; Mock  
auctions, etc.

Twenty-first, To prohibit, prevent and suppress all lotteries, for the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing or managing the same; Lotteries.

Twenty-second, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation; Solicitors for  
passengers,  
etc.

Twenty-third, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor; Paupers.

Twenty-fourth, To provide for taking a census of the inhabitants of the city whenever the council shall see fit, and to direct and regulate the same; Census.

Enactment of ordinances, etc.

Twenty-fifth, And further, the council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof, but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever;

Laying of tracks in streets.

Twenty-sixth, The council shall have authority to permit any railroad company to lay its track, and operate its road with steam locomotives, in or across the public streets, highways or alleys of the city, as the council may deem expedient, upon such terms and conditions and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track or the operating of any such road except upon such terms and conditions;

Location and grade of street crossings.

Twenty-seventh, The council shall have power to provide for and change the location and grade of the street crossings of any railroad track; and to compel any railroad company to raise or lower their railroad track, to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner, and with such protection to persons crossing thereat, as the council may require and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles an hour; and to impose a fine of not less than five nor more than fifty dollars upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains;

Flagmen.

Hitching of horses.

Twenty-eighth, To require any horse, horses or mules attached to any vehicle or standing in any of the streets, lanes or alleys of said city to be securely fastened, watched or held and to prevent and punish horse racing and immoderate driving or riding in any street or over any bridge, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said city;

Street noises.

Twenty-ninth, To regulate the ringing of bells and crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Wooden buildings.

Thirtieth, To prohibit the location and construction of any wooden or frame house, shop or other building and to prohibit and prevent the using or employing any wooden or combustible material for the roofing of any building on such streets, alleys and places, or within such limits in said city as the common council may, from time to time, prescribe.

To prohibit and prevent the moving of wooden or frame buildings from any part of said city to any lot on such streets, alleys, and places within said limits and the rebuilding and repairing of wooden buildings on said streets, alleys and places within said limits when damaged by fire or otherwise;

Moving of.

Thirty-first, To prescribe rules to govern sextons and undertakers for burying the dead, caterers and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps and their fees and their compensation; to regulate and prevent auctions, peddling and hawking, pawnbrokerage or using for hire carts, drays, hacks or any kind of carriage or vehicle in the streets; to regulate and prevent runners, stage drivers and others soliciting guests for hotels and passengers and others to ride or travel on any railroad, street car, boat, omnibus, stage or any other kind of carriage or vehicle or to go anywhere else;

Sextons and undertakers.

Thirty-second, To regulate the lighting of street and alleys and the protection and safety of street lamps;

Street lighting.

Thirty-third, To provide and regulate the numbering of the buildings upon the streets or alleys and to compel the owners of buildings to affix numbers on the same;

House numbers.

Thirty-fourth, To sell or otherwise provide for disposing of all dirt, filth, manure and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys, public spaces and individual lots, and all earth to be removed therefrom or from the public squares and grounds in said city, in grading, paving or otherwise improving the same;

Dirt, filth.

Thirty-fifth, To regulate, prohibit, or license the sale of what is known as bankrupt and fire goods when said goods are but temporarily located in said city;

Bankrupt and fire goods.

Thirty-sixth, To prohibit the jumping on or off moving trains within the limits of said city; also to prohibit the lounging in and about railroad depots and premises in said city.

Jumping on or off moving trains.

## CHAPTER XI.

### LICENSES.

SECTION 1. The said corporation shall, in addition to the other powers conferred by this act, have power and authority:

Further powers.

First, To regulate, license or prohibit and suppress billiards and pool tables, nine and ten pin alleys or tables and ball alleys within said city and to punish the keepers thereof;

Billiards.

Second, To regulate, license, restrain or prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name or nature for which money or other reward is in any manner demanded or received, lectures on any scientific, moral, literary or historic subject, and exhi-

Circuses, shows, etc.

Lectures.

bitions for any charitable or religious object within said city excepted;

**Auctions.**

Third, To license auctioneers, auctions and sales at auction, to regulate or prohibit the sale of real or personal property at auction in the streets, alleys or public grounds of said city, to regulate or prohibit the sale of any real or personal property or any other thing at auction or by any manner of public bidding or offers by the seller or bidder after the manner of auction sales or Dutch auction, and to license the same, and to regulate the fees paid by or to auctioneers, but no license shall be required in case of sales required by law to be made at auction or public vendue;

**Hawkers and peddlers.**

Fourth, To license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, vehicle, cart, or other device, in the streets, highways or in upon the open places or spaces, public grounds or buildings in the city;

**Restaurants, saloons.**

Fifth, To regulate and license all taverns and houses of public entertainment; all restaurants and eating houses; and to regulate, license and limit the number of saloons;

**Vehicles, for hire.**

Sixth, To license and regulate all vehicles of every kind used for the transportation of persons and property for the hire in the city.

## CHAPTER XIII.

**Sale of liquor; districts.**

SEC. 17. The common council of said city shall have power to provide certain bounds and limits in said city, in which the business of vending, selling or having for sale spirituous, vinous, malt or brewed liquors, or any other intoxicating liquors or admixtures thereof, shall be conducted and carried on, and may further prohibit vending, selling and furnishing of intoxicating liquors or admixtures thereof, except in the district and limits in said ordinance appointed and limited for the sale thereof, and the common council of said city shall have the power to limit the number of saloons or other places, except drug stores, where any spirituous, malt, brewed, fermented, vinous or intoxicating liquors are sold at retail in said city of Belding.

This act is ordered to take immediate effect.

Approved March 12, 1907.



## [No. 401.]

AN ACT to amend sections two and six of chapter two, section sixteen of chapter four, sections five, thirty-seven and forty-two of chapter five, sections one and five of chapter six, section two of chapter seventeen, section two of chapter twenty-two, section eighteen of chapter twenty-three, and sections thirteen and sixteen of chapter twenty-four of act number five hundred thirty-three of the local acts of Michigan for the year eighteen hundred eighty-seven, entitled "An act to incorporate the city of Sault Ste. Marie and to repeal an act, entitled 'An act to reincorporate the village of Sault Ste. Marie, approved May twenty-ninth, eighteen hundred seventy-nine as amended,'" as amended.

*The People of the State of Michigan enact:*

SECTION 1. Sections two and six of chapter two, section sixteen of chapter four, sections five, thirty-seven and forty-two of chapter five, sections one and five of chapter six, section two of chapter seventeen, section two of chapter twenty-two, section eighteen of chapter twenty-three, sections thirteen, sixteen of chapter twenty-four of act number five hundred thirty-three of the local acts of Michigan for the year eighteen hundred eighty-seven, entitled "An act to incorporate the city of Sault Ste. Marie and to repeal an act, entitled 'An act to reincorporate the village of Sault Ste. Marie approved May twenty-ninth, eighteen hundred seventy-nine as amended,'" as amended, are hereby amended to read as follows: Sections amended.

## CHAPTER II.

Sec. 2. Every elector shall vote only in the ward and precinct where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward or precinct in which he permanently rooms. Twenty days in precinct.  
Electors not householders.

Sec. 6. The boards of registration in the city as incorporated under this act, at their session previous to the general election in November in the year eighteen hundred ninety, shall make a re-registration of the qualified electors of their respective wards or precincts in books of the form provided by law. The same rules shall be observed in such re-registration as are provided by law for the registration of electors in cities, except that the board shall meet and continue in session on the third Tuesday and Wednesday next preceding such general election; and a like re-registration of the electors of each ward and precinct shall be made at the session of the board next preceding the general election every four Re-regis-  
tration.  
  
Meeting,  
when held.  
  
Re-regis-  
tration every  
four years.

New register. years thereafter. When such new register of electors shall be made, the former register of electors shall not be used nor shall any person vote at any election in any ward or precinct after such re-registration unless his name shall be registered in such new register. Notice that such re-register is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

Notice given.

#### CHAPTER IV.

Council to canvass returns.

SEC. 16. The council shall convene on Thursday next succeeding each election at their usual place of meeting and determine from the returns of the inspectors the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several city and ward offices respectively, and thereupon the recorder shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several city and ward offices respectively; one of which certificates he shall file in the office of the county clerk in the county of Chippewa, and the other shall be filed in the office of the recorder. The new council shall be judges of the returns, election and qualification of their own members subject to review in the proper courts by certiorari or quo warranto as the case may require, and the general law relative to a recount of votes shall apply to all ward and city officers.

New council judge of returns, etc.

#### CHAPTER V.

Aldermen, power and duties, of.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council; may order the arrest of all persons violating the laws of the State, or the ordinances, by-laws, or police regulations of the city; shall report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, and shall perform such duties as may be required of them by law and the rules governing said council. As conservators of the peace they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall be appointed by the council or other appointive power to any other office of the city during the term for which he was elected as alderman, and no alderman shall be allowed to vote on any question in which he has a direct personal interest, but upon all other questions he shall vote.

Not to hold other city office.

Sec. 37. In all prosecutions before said justice for the violation of any ordinance of the city, no justice fee shall be collected from, or taxed against the defendant. In prosecutions before said justice for any violation of the penal laws of the State, in case the defendant is found guilty the usual justice fee, in addition to all other costs, shall be taxed, and if paid to said justice such justice fees shall belong to the city and be turned in to the city treasurer the same as other like moneys received by said justice. All moneys paid to said justice, except all fines and sheriff, constable, jury and witness fees recovered for violation of the penal laws of the State, shall be for the use of the city and shall be paid weekly to the city treasurer, who shall give duplicate receipt therefor, one of which shall be immediately filed with the comptroller of the city: *Provided*, That all moneys collected in any case for or on account of services rendered by sheriffs, constables or other like officers therein, and all witness fees collected, where such officer and witnesses have not been previously paid by the city, shall be for the use of such officers and witnesses, and such officer fees and witness fees shall be immediately paid over to them. The expense of prosecutions before said justice for violation of city ordinances shall be paid by the city in all cases where the same are not paid by the defendant or complaining parties, and the expenses of prosecutions for the violation of the penal laws of the State shall be paid by the county of Chippewa. The justice of the peace shall keep an account of all services performed by him as such justice in connection with prosecutions under the State law at the fees provided in the State law to justices for such services and not previously paid, and file a statement thereof at the end of each month with the clerk of said county and with the recorder of the city, and the county shall pay to the city within thirty days after the annual October meeting of the board of supervisors in each year the amount of such fees for the use and benefit of the city.

Justice fees,  
disposition of.

Proviso.

Expense of  
prosecutions.Account to  
be kept.

Sec. 42. The mayor and aldermen of the city shall receive as full compensation for all the duties of their respective offices as follows: The mayor the sum of seven hundred fifty dollars per annum, payable monthly, and each alderman the sum of three dollars for each meeting of the common council and one dollar for each meeting of committee on "Committee day" at which they shall respectively be in attendance except as herein otherwise provided, payable at the end of each year: *Provided*, No alderman shall receive compensation for attendance upon a committee on "Committee day" unless his attendance shall be required thereon by the provisions of this act, nor shall receive compensation for attendance upon more than one committee in any one week: *Provided further*, That the number of the meetings of the council and of the committees in one year for which pay shall be drawn shall

Compensation  
of mayor and  
aldermen,  
when payable.Proviso.  
"Committee  
Day."Further  
proviso.

Further proviso.	not exceed fifty-two each: <i>Provided further</i> , That for services rendered as members of the board of supervisors of Chippewa county, they shall receive the same compensation as other members of the board to be paid in the same manner: And <i>Provided further</i> , That they and the city attorney shall also receive the sum of three dollars per day for services on board of registration and as inspectors of election and on boards of review when actually serving thereon. The appointive members of the board of public works shall each receive such annual salary as the council shall provide, not to exceed the sum of two hundred dollars. The city treasurer will receive an annual salary in lieu of all fees. Constables shall receive such fees as are provided for in this act and by the general laws of the State. The city treasurer and all other officers elected or appointed, except justice of the peace, where such salaries are not fixed by law, shall receive such salary as shall be fixed by the common council of the said city at the first regular meeting thereof in the month of March prior to the commencement of the term of such offices: <i>Provided</i> , That if the salaries shall not be fixed at that date, the same shall be fixed as soon thereafter as may be.
Further proviso, city attorney.	
Board of public works.	
City treasurer.	
Constables.	
Salaries fixed by council.	
Proviso.	

## CHAPTER VI.

Legislative authority.	SECTION 1. The legislative authority of the city shall be vested in a council consisting of the mayor and two aldermen elected from each ward.
Meetings of council.	SEC. 5. The common council shall hold regular stated meetings for the transaction of business at such times and places within the city as the council shall by ordinance prescribe, not less than two of which shall be held in each month.
Special meetings.	The mayor or any three members of the council may appoint special meetings thereof, notice of which in writing shall be given to each alderman or be left at his place of residence at least twelve hours before the meeting. The common council shall, by ordinance, designate one day of the week "Committee day" on which day the standing committees of the common council shall meet at such time and place as said ordinance shall fix for the transaction of any unfinished business, which may have been by the common council referred to said committee: <i>Provided</i> , No committee of the council shall be required to meet on committee day unless some new matter shall have been referred to such committee at the last preceding meeting of the common council. The sessions of the council and committees on committee day shall be held in public.
"Committee Day."	
Proviso.	

## CHAPTER XVII.

SEC. 2. Within one week after the annual appointment of members of the board of public works they shall meet and organize for the coming year. They shall select one of their members as president of the board, and the city recorder shall be ex-officio secretary of the board with such additional salary as the council may prescribe. It shall be the duty of the secretary to attend the meetings of the board and keep a record of the proceedings thereof, and perform such duties in connection with the department of the board of public works as the board may require. The secretary shall collect all water rents and turn over to the city treasurer monthly all moneys so collected. The board shall have such stated periods of meeting as they shall determine upon: *Provided, however,* That they shall have at least one meeting in each month. At all regular meetings of the board two members shall constitute a quorum for the transaction of business, and at all special meetings it shall be necessary to have three members present unless the absent member shall have been fully notified of said meeting or shall waive notice thereof in writing. The board shall keep an office in the city hall of said city with such furnishings as may be necessary. Written minutes of the proceedings of the board shall be kept, and all resolutions, orders, rules and directions passed and adopted by the board shall be correctly entered at length and preserved in books of records, and the same shall be open to the inspection of the mayor, aldermen, city attorney, recorder, comptroller and treasurer, and also any resident of the city, at all seasonable times after reasonable demands. All papers and documents of importance relating to the duties of business of the board and not belonging elsewhere, shall be filed and preserved in the office of the board.

Organization of board of public works. President and secretary.

Duty of secretary.

Proviso, monthly meetings, quorum.

Office, where kept.

## CHAPTER XXII.

SEC. 2. If it shall become necessary to appropriate private property for the public use or purposes specified, the right to occupy and hold the same and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided by the general laws of this State relating to the taking of private property for public use in cities and villages: *Provided,* Nothing herein contained shall prevent the city from acquiring private property for the several uses and purposes herein contained by purchase if the common council shall so decide by a two-thirds vote of all the aldermen elect: *Provided also,* That when it is desired to appropriate private property for public improve-

Private property for public use.

Proviso.

Proviso.

Jury  
impanelled.

ment under the provisions of this act the council shall, when it deems it necessary to make any public improvement requiring the taking or use of private property not acquired by purchase, so declare by resolution, describing the proposed improvement to be made and each parcel of land designated to be taken by metes and bounds, or other appropriate description, giving the names of the owners or persons interested therein so far as known; and shall, in the same resolution, designate a justice of the peace of the city to whom an application will be made at a time therein to be stated for the impanelling of a jury to ascertain the necessity of appropriating said land for such public use and the just compensation to be made therefor.

### CHAPTER XXIII.

Bond issues.

Record of  
dates, etc.

SEC. 18. No loans shall be made by the council or by its authority in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest, which bonds shall be signed by the recorder and countersigned by the mayor and approved by the comptroller before delivery of the same. A record showing the dates, numbers and amounts of all bonds issued and when due shall be kept by the comptroller. When deemed necessary by the council to extend the time of payment of any bonds of the city, new bonds may be issued in place of former bonds, falling due in such manner as merely to change but not increase the indebtedness of the city. Each bond shall show upon its face the class of the indebtedness to which it belongs and from what fund it is payable.

### CHAPTER XXIV.

Equalization.

Proviso, State  
and county  
tax.

City tax.

School tax.

SEC. 13. Upon the equalizing of the said assessment rolls by the board of supervisors of Chippewa county, the assessor shall proceed to assess the taxes apportioned to the said city according to and in proportion to the valuation entered by the board of review in the assessment roll of the city for the year: *Provided*, That if the board of review make no such entry then on the valuation as entered by the assessor. He shall enter the State and county taxes in separate columns headed respectively "State taxes" and "county taxes." He shall add together the several amounts directed to be raised by general taxation in the city as shall appear by the general appropriation bill for that year, and he shall assess the same accordingly and in proportion to the valuation entered upon said roll in a separate column headed "city taxes." He shall assess in like proportion in a separate column headed "school taxes" the taxes voted to be raised for school purposes as

certified to him in the manner provided by section twelve of this chapter. He shall likewise assess the one mill tax in a separate column headed "one mill tax." He shall further assess and levy in the same roll in a separate column or columns headed "special assessments" upon the land, property and persons chargeable therewith, all special assessments returned as delinquent by the city treasurer and remaining unpaid. At the head of each of said special assessment columns shall be written the number of the special assessment roll and the date from which such assessments draw interest. For the purpose of avoiding fractions in excess of any such taxes, the assessor may add to the several amounts to be raised not more than one per cent. Such excess shall belong to the contingent fund of the city. The total of all taxes assessed against any one valuation or parcel of property shall be footed up and carried out in the last column on the right hand side of such roll. All the taxes there assessed shall become at once a debt to the city from the persons to whom they are assessed. And all personal taxes shall also be a lien upon all personal property of such persons so assessed from and after the assessment thereof, and remain a lien thereon until paid, and shall take precedence of any sale, assignment or chattel mortgage, levy or lien on any such personal property executed or made after such assessment, except when such personal property is sold in the regular course of trade. And in case said personal property is about to be removed from the city before the tax roll is placed in the hands of the city treasurer for collection the assessor may seize said property, or by any legal proceedings prevent the removal of said property from the city until the payment of the tax is secured or otherwise satisfied. The amounts assessed on any real estate shall on the first day of December become a lien on such real property and the lien for such amounts and for all interest and charges thereon shall continue until payment thereof.

One mill tax.  
Special assessments.

Excess.

Footings.

Taxes, a debt  
or lien.

Personal  
property  
seizure of.

Real estate,  
when taxes  
become a lien  
on.

Collection of  
taxes.

Proviso, per-  
centage added.

SEC. 16. In collecting the taxes appearing on said tax roll the city treasurer shall proceed in the same manner and be governed by the same provisions of law as are applicable to township treasurers, except as herein provided: *Provided*, That in the collection of taxes on the general tax roll there shall not be any percentage added to said tax if paid before the tenth day of January each year. But upon all taxes collected thereafter there shall be added four per cent, which percentage shall be collected for the use and benefit of the city. In collecting taxes on any special assessment roll if such taxes be paid within the first thirty days after the same are due and payable there shall not be added any percentage, but on all taxes collected after the said thirty days there shall be added four per cent which shall be collected by the treasurer and be for the use and benefit of the city.

Repealing  
clause.

SEC. 2. All acts or parts of acts in conflict with any of the provisions of this amendatory act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 12, 1907.

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[No. 402.]

AN ACT to repeal act number four hundred ninety-one of the local acts of nineteen hundred five, entitled "An act to divide the township of Raisinville, in the county of Monroe, into two election districts."

*The People of the State of Michigan enact:*

Act repealed.

SECTION 1. Act number four hundred ninety-one of the local acts of nineteen hundred five, entitled "An act to divide the township of Raisinville, in the county of Monroe, into two election districts," is hereby repealed.

This act is ordered to take immediate effect.

Approved March 12, 1907.

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[No. 403.]

AN ACT to authorize and empower the board of supervisors of the county of Shiawassee to appropriate a sum of money to assist in the maintenance of the Dorcas Home, located in the city of Owosso.

*The People of the State of Michigan enact:*

Appropriation  
for "Dorcas  
Home."

SECTION 1. The board of supervisors of the county of Shiawassee is hereby authorized and empowered to appropriate from any moneys in the contingent fund of said county, not otherwise appropriated, a sum not exceeding five hundred dollars per year to assist in maintaining the Dorcas Home, located in the city of Owosso and operated as a charitable institution under the direction of the Dorcas society, an association incorporated under the laws of Michigan.

This act is ordered to take immediate effect.

Approved March 12, 1907.



[No. 404.]

AN ACT to incorporate the village of Melvin, in the county of Sanilac.

*The People of the State of Michigan enact: .*

SECTION 1. The following described territory, to-wit: The northeast quarter of section thirty; the northwest quarter of section twenty-nine; the southwest quarter of section twenty; the southeast quarter of section nineteen, all in town nine north, range fourteen east, township of Speaker, county of Sanilac and State of Michigan, is hereby constituted a village incorporate, to be known as the village of Melvin. Territory incorporated.

SEC. 2. The first election of officers of said village shall be held on Monday, March twenty-five, in the year nineteen hundred seven, in Laidlow's opera house in said village. First election

SEC. 3. George Windsor, George Mattison and Daniel Weaver are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration is hereby required to meet at the Melvin bank in said village on the Friday and Saturday preceding the said March twenty-five, in the year nineteen hundred seven and register the names of all persons, residents of said village presenting themselves for registration, having the qualification of voters at annual township meetings. Notice of the time of such registration shall be posted in three of the most public places in said village by said board, at least eight days previous to such registration. Board of registration, meeting of.

SEC. 4. The said George Windsor, George Mattison and Daniel Weaver shall also constitute a board of election inspectors, who shall conduct the election and canvass the ballots in a manner provided by the general laws of the State of Michigan relative to elections, and in case of any one of said persons being a candidate for office at said election, said board, before proceeding with its duties, shall elect other suitable persons to act instead of said candidates. Notice given.

SEC. 5. Notice of said first election of officers shall be posted in three of the most public places in said village at least ten days before the time of said election, which notice may be signed by any five freeholders in said village. Election inspectors.

SEC. 6. If for any reason the first election provided for as aforesaid shall not be held at the time and place specified for holding the same, it shall be lawful to hold the same at any time and place thereafter by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four public places in said township, within the limits of said village, which shall be signed in the manner above provided. Notice of first election.

In case election provided for not held.

Act governing  
village.

SEC. 7. The said village of Melvin, in all things not herein otherwise provided, shall be governed by, and its powers and duties defined by an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, being chapter eighty-seven of the Compiled Laws of the State of Michigan, and acts amendatory thereto.

This act is ordered to take immediate effect.

Approved March 12, 1907.

[No. 405.]

AN ACT to organize the township of Thompson, in Schoolcraft county, Michigan, as a single township school district.

*The People of the State of Michigan enact:*

Single town-  
ship school  
district.

SECTION 1. The territory embraced within the limits of the township of Thompson, in Schoolcraft county, Michigan, is hereby formed into a single school district, to be known as the township school district of the township of Thompson.

Act governing.

SEC. 2. The said township school district of the township of Thompson shall, in all things not herein otherwise provided, be governed and its powers and duties defined by the provisions of act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, entitled "An act for the organization of township school districts in the Upper Peninsula," as amended by act number one hundred fifty-four of the public acts of nineteen hundred three and all other acts amendatory thereof.

Board of edu-  
cation, consti-  
tuted trustees;  
terms.

SEC. 3. The board of education of said district shall consist of John J. Hruska, William Sadler, John Shepard, David L. Steven and James B. Fitch, who are hereby constituted the trustees of said district, and whose terms of office shall continue until the first school election held in said district and until their successors are elected and qualified as provided in said act.

Organization.

SEC. 4. Said board of education shall, within ten days after this act takes effect, meet and organize by selecting from their own number the officers provided by said act.

This act is ordered to take immediate effect.

Approved March 12, 1907.

## [No. 406.]

AN ACT to amend section seven of an act, entitled "An act relative to free schools in the city of Detroit," approved February twenty-fourth, eighteen hundred sixty-nine, as amended April second, nineteen hundred three.

*The People of the State of Michigan enact:*

SECTION 1. Section seven of an act, entitled "An act relative to free schools in the city of Detroit," approved February twenty-fourth, eighteen hundred sixty-nine, as amended April second, nineteen hundred three, is amended to read as follows: Section amended.

SEC. 7. The said board shall, at the first regular meeting in July in the year nineteen hundred nine after the passage of this act, and on the first regular meeting in July of every third year thereafter, appoint a suitable person as superintendent of the public schools under their control, who shall hold his office for the term of three years, or until his successor shall be appointed and enter upon the performance of his duties: *Provided*, That if such appointment shall not be made at the said first regular meeting, in July, the same may be made at any subsequent regular meeting, but the term of office of the appointee shall commence and date from said first regular meeting in July: And *Provided further*, That the office of the present incumbent shall not be deemed to have been vacated by this act, but he shall hold his office until the first regular meeting in July, nineteen hundred nine, as aforesaid, or until his successor shall be elected and enter upon the performance of his duties. The superintendent shall receive such salary as shall be fixed by the board. The said board may appoint a secretary of said board, who shall hold his office during the pleasure of said board, or until his office shall otherwise become vacant. The board may prescribe his duties and compensation: *Provided*, That when the office of secretary and superintendent shall be held by the same person, he shall receive no compensation for his services as secretary. The board, if it deem it expedient, may direct the superintendent to perform the duties of said office of secretary, and he shall thereupon be ex-officio secretary of said board. Appointment of superintendent of schools, term.

Proviso.

Further proviso, present incumbent.

Salary, how fixed.

Proviso.

This act is ordered to take immediate effect.

Approved March 12, 1907.

[No. 407.]

AN ACT to amend act number four hundred thirty-four of the local acts of the State of Michigan for the year eighteen hundred ninety-five, approved May twenty-four, eighteen hundred ninety-five, entitled "An act to incorporate the city of Three Rivers, and to repeal act number one hundred sixty-one of the session laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteen, eighteen hundred fifty-five, and all amendments thereto," by amending sections one, five and six of chapter three of said act number four hundred thirty-four and by amending section four of chapter four of said act.

*The People of the State of Michigan enact:*

Act amended. SECTION 1. Act number four hundred thirty-four of the local acts of the State of Michigan for the year eighteen hundred ninety-five, approved May twenty-four, eighteen hundred ninety-five, entitled "An act to incorporate the city of Three Rivers and to repeal act number one hundred sixty-one of the session laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteen, eighteen hundred fifty-five, and all amendments thereto," is hereby amended by amending sections one, five and six of chapter three, and section four of chapter four; said several sections, as amended, to read as follows:

CHAPTER III.

OFFICERS OF THE CITY.

City officers. SECTION 1. The officers of the city shall be a mayor, city clerk, city treasurer, two justices of the peace, ten aldermen, four supervisors, four constables, city attorney, health officer, city marshal, street commissioner and chief engineer of the fire department.

Third ward officers. SEC. 5. In the third ward there shall be elected by the qualified electors of said ward one supervisor, two aldermen and one constable.

Fourth ward officers. SEC. 6. In the fourth ward there shall be elected by the qualified electors of said ward one supervisor, two aldermen and one constable.

## CHAPTER IV.

## FIRST ELECTION.

SEC. 4. At said first election, and annually thereafter, <sup>Officers elected annually.</sup> there shall be elected a mayor, city clerk and city treasurer, by the qualified electors of the whole city. In each of the first, second, third and fourth wards there shall be elected, by the qualified electors of such ward, one supervisor and one constable.

This act is ordered to take immediate effect.

Approved March 12, 1907.

[No. 408.]

AN ACT to amend sections one and two of act number four hundred seventy-two of the local acts of nineteen hundred three, entitled "An act to reincorporate the city of Benton Harbor, Berrien county, Michigan," by adding new territory to said city and by altering the boundaries of wards one and two.

*The People of the State of Michigan enact:*

SECTION 1. Sections one and two of act number four hundred seventy-two of the local acts of nineteen hundred three, <sup>Sections amended.</sup> entitled "An act to reincorporate the city of Benton Harbor, Berrien county, Michigan," are hereby amended to read as follows:

SECTION 1. The following described territory is hereby con- <sup>Territory in-</sup>stituted and declared to be a city corporate, by the name of Benton Harbor, as follows: Commencing at the center of the St. Joseph river at a point where the south line of section twenty-four, town four south, range nineteen west, would, if extended west, intersect said river, the same being in Berrien county, Michigan; thence east, along the south line of said section twenty-four, and along the south line of section nineteen, town four south, range eighteen west, the same being the center line of Empire avenue to the intersection of the center line of Empire avenue and the west line of Union avenue, in Columbus addition, an addition to the city of Benton Harbor; thence south on the west line of said Union avenue to the intersection of said west line of said Union avenue and the center line of Weld street; thence east on the center line of said Weld street to the intersection of said center line of Weld street and the west line of Agard avenue; thence north on said west line of Agard avenue to the inter-

section of said west line of Agard avenue and the center line of Empire avenue; thence east on the center line of Empire avenue to a point sixty rods west of the east line of said section nineteen; thence north, parallel to the east line of said section nineteen, to the center line of Vineyard avenue or Vineyard avenue produced; thence east on said center line of Vineyard avenue to the east line of said section nineteen; thence north along said east line of section nineteen and along the east line of section eighteen, town four south, range eighteen west, to the east terminus of the east and west quarter-line of said section eighteen; thence west along the east and west quarter-line of section eighteen, town four south, range eighteen west, to a point one thousand three hundred twenty feet west of the east line of said section eighteen; thence north one thousand three hundred twenty feet; thence west to the center of the Paw Paw river; thence westerly and southerly along the center of the said Paw Paw river to a point, fifty feet north of the north line of the Paw Paw river, also known as the Ship Canal; thence westerly parallel to and fifty feet north of the north bank of the said Paw Paw river, also known as the Ship Canal, to the center of the St. Joseph river; thence southerly along the center of the St. Joseph river, passing through the center of the draw pier of the highway bridge to the place of beginning.

Wards.

SEC. 2. Said city of Benton Harbor shall be divided into four wards, said wards to be known and bounded as follows:

First.

(a) The first ward, which shall be bounded as follows: Commencing at the intersection of the center of Pipestone and Main streets in the city of Benton Harbor; thence southeasterly along said Pipestone street to the center of Michigan street; thence southwesterly along the center of Michigan street to its intersection with the center of Lake avenue and of Colfax avenue; thence east along the center of Lake avenue to its intersection with the center of Pavone street; thence south along the center of Pavone street to the south city limits, being the south line of said section nineteen; thence west to the center of the St. Joseph river; thence northerly and westerly along the center of the St. Joseph river to the center of the Paw Paw river, also known as the Ship Canal; thence northeasterly along the center of the Ship Canal to the center of Bridge street; thence along the center of Bridge street to the center of Water street; thence southerly along the center of Water street to the place of beginning.

Second.

(b) The second ward, which shall be bounded as follows: Commencing at the intersection of the center of Michigan and Pipestone streets; thence southeasterly along the center of Pipestone street to the south city limits; thence westerly along the south city limits as herein set forth to the center of Pavone street; thence north along the center of Pavone street to the center of Lake avenue; thence west along the center of Lake avenue to its intersection with Colfax avenue and Michigan street; thence northeasterly along the center of Michigan street to the place of beginning.

(c) The third ward, which shall be bounded as follows: Third. Commencing at the intersection of the center of Main and Pipestone streets; thence east along the center of Main street to the center of Fourth street; thence south along the center of Fourth street to the center of Highland avenue; thence east along the center of Highland avenue to the center of Fair avenue, that being the east city limits; thence southerly along the center of Fair avenue, being the east line of said section nineteen, to the center of Vineyard avenue, or Vineyard avenue produced; thence west sixty rods; thence south, parallel with the east line of said section, to the south line of said section, that being the south city limits at that place; thence westerly along said south city limits, to the center of Pipestone street; thence northwesterly along the center of Pipestone street to the place of beginning.

(d) The fourth ward, which shall be bounded as follows: Fourth. Commencing at the intersection of the center of Bridge street and the Ship Canal; thence west along the center of the Ship Canal to the west city limits; thence northerly and westerly, fifty feet north of the Ship Canal and along the center of the Paw Paw river, that being the westerly and northerly city limits, to the north city limits in section eighteen, town four south, range eighteen west; thence following the north and east city limits to the center of Highland avenue; thence westerly along the center of Highland avenue to the center of Fourth street; thence northerly along the center of Fourth street to the center of Main street; thence westerly along the center of Main street to the center of Water street; thence northerly along the center of Water street to the center of Bridge street; thence westerly along the center of Bridge street to the place of beginning.

This act is ordered to take immediate effect.

Approved March 13, 1907.

[No. 409.]

AN ACT to authorize Bay City to acquire a site for and to lay out, establish, make, alter and regulate a public park and grounds, and to borrow money and issue its bonds therefor, for the purpose of acquiring such site and laying out, establishing and making such public park and grounds.

*The People of the State of Michigan enact:*

SECTION 1. The common council of Bay City shall have the power to acquire the site for and to lay out, establish, make, alter and regulate a public park and grounds between Water street and the Saginaw river and between Fifth avenue and Sixth street, and to that end it shall have power to purchase or take private property for such public use and benefit.

Site for public park.

Bond issue submitted.

At annual election.

Canvass of vote.

Bonds, when payable, etc.

How designated.

Proceeds, where placed.

How used.

Act, how construed.

SEC. 2. For the purpose of defraying the expenses of acquiring a site for a public park and laying out, establishing and making the same, the common council of the city of Bay City may, if it shall deem it necessary, borrow not exceeding the sum of two hundred thousand dollars upon the faith and credit of said city and issue its bonds therefor, but before the issuing of such bonds the question shall be submitted to the electors of said city at the annual election in April, nineteen hundred seven, and at least ten days' notice of such submission shall be given immediately preceding such election by publication in the official paper of said city, specifying the amount of and the object for which it is proposed to issue said bonds, and separate ballot boxes shall be provided for the receiving of ballots, or suitable provision made for registering ballots upon voting machines, if voting machines are used, and the votes on said question shall be canvassed, declared and returned, and all things with reference thereto done in the same manner, as near as may be, as in the case of election of city officers. At the close of such election the inspectors of election shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city and the other filed in the office of the county clerk of Bay county.

SEC. 3. If authorized by the vote of the electors, said loan shall be secured by the bonds of the city payable at such times, not less than ten years after the date of their issue, and shall bear such rate of interest, not exceeding four per cent. per annum, as said common council shall determine. The said bonds shall be endorsed "Bay City Bonds" and numbered consecutively, and no sale thereof shall be negotiated at less than face value or par. The proceeds derived from the sale of said bonds shall be paid to the city treasurer and by him placed to the credit of a fund to be known as a public park fund. No appropriation or payment out of said fund shall be ordered by the common council, or made, except for the purpose of acquiring a site for and laying out, establishing, making and maintaining a public park and grounds.

SEC. 4. This act or any provision thereof shall not be construed to conflict with, repeal, supersede or abridge any of the provisions of the charter of said city with reference to issuing bonds of the city, excepting for the purpose of authorizing the acts herein provided for, and so far as is necessary for that purpose, and shall be entirely independent of and in no manner conflict with, abridge or enlarge the powers of the common council in any other matter or thing.

This act is ordered to take immediate effect.

Approved March 14, 1907.



## [No. 410.]

AN ACT to authorize the board of trustees of the public schools of the city of St. Clair to borrow money for the construction of a high school building and for expenses incidental thereto, and to issue bonds therefor.

*The People of the State of Michigan enact:*

SECTION 1. The board of trustees of the public schools of the city of St. Clair, St. Clair county, shall have the power and is hereby authorized, during the year nineteen hundred seven or nineteen hundred eight, to raise by loan such sum not exceeding fifty thousand dollars, as said board shall deem requisite and necessary, to be used for the construction of a high school building and for expenses incidental thereto, and to secure said loan by the bonds of said school district, payable at such time, not less than two years and not more than twenty-five years after the dates of said bonds, and with such rate of interest, not exceeding five per centum per annum, as said board shall determine, which money shall be paid into the treasury of said school district to be used for the purpose aforesaid.

Bonds for  
high school  
building.

Maturity.

SEC. 2. Such bonds shall not be issued, nor such money borrowed for such purpose until the question shall be submitted to the qualified electors of the city at any general school election or at any special election appointed and called for the purpose of voting thereon, at which said question shall be fairly submitted by the board of trustees to the electors, and a majority of the electors voting on the question shall so decide. Notice of the time and place of any such election shall be given by publishing such notice in one of the newspapers of the city and by posting copies thereof in ten public places in the city at least ten days before such election.

Question sub-  
mitted.

Notice and  
time of  
election.

This act is ordered to take immediate effect.

Approved March 14, 1907.

## [No. 411.]

AN ACT to authorize the township board of the township of Springwells, in the county of Wayne, to issue the bonds of said township to an amount not exceeding sixty thousand dollars, for the purpose of paving Michigan avenue in said township from the easterly limits thereof to the Pere Marquette railroad, and to levy taxes sufficient to provide for the payment thereof with interest thereon.

*The People of the State of Michigan enact:*

SECTION 1. The township board of the township of Springwells, in the county of Wayne, is hereby authorized to issue

Bonds for  
paving.

the negotiable coupon bonds of said township to an amount not exceeding sixty thousand dollars, for the purpose of providing funds for the paving of Michigan avenue in said township from the easterly limits thereof to the Pere Marquette railroad. Said bonds shall be designated as "Michigan Avenue Paving Bonds," shall become due and payable not later than thirty years from their date, shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, and shall be in such form and of such denomination and executed in such manner as the township board may by resolution direct, and when issued and delivered for value shall be valid and binding obligations of said township.

How designated, when due, etc.

Annual tax levy.

Collection of tax.

Electors to approve proposition.

Special ballots, form of.

SEC. 2. When the said bonds are issued the supervisor of said township shall thereafter annually levy a direct tax, in addition to all other township taxes, on all of the taxable property in said township, sufficient in amount to meet the interest on said bonds promptly as the same matures, and also to establish and maintain a sinking fund which shall be sufficient to liquidate the principal of said bonds at their maturity. Said annual tax shall be collected at the same time and in the same manner in each year as other township taxes are collected.

SEC. 3. The provisions of this act shall not become operative until the proposition to bond said township for the purpose aforesaid shall be approved by a majority vote of the qualified electors of said township voting thereon at a general or special election or township meeting held pursuant to law. Special ballots shall be provided by the said township board and shall be in the following form:

"Shall the township of Springwells issue bonds to an amount not exceeding sixty thousand dollars, for the purpose of paving Michigan avenue in said township from the easterly limits thereof to the Pere Marquette railroad.—[ ] Yes."

"Shall the township of Springwells issue bonds to an amount not exceeding sixty thousand dollars, for the purpose of paving Michigan avenue in said township from the easterly limits thereof to the Pere Marquette railroad.—[ ] No."

Instructions to voters.

Printed at top of ballot.

A sufficient number of such ballots shall be provided by said township board at the time and place of holding the election aforesaid. Each elector in said township desiring to vote in favor of the aforesaid bond issue shall place a cross (X) on his ballot opposite the word "Yes," and each elector desiring to vote against said bond issue shall place a cross (X) on his ballot opposite the word "No." These instructions shall be printed at the top of the official ballot used at such election, and in all other respects said election shall be conducted according to law, including the canvass of such vote and the return thereof.

SEC. 4. In case said bond issue is authorized by the electors of said township, the said township board shall immediately thereafter appoint three freeholders of said township, each of whom shall have equal powers with each of the members of the said township board in expending the money derived from the sale of the said bonds for the said improvement, and a majority of the said township board and of the said three freeholders are authorized and empowered to let contracts for the said paving or improvement or do whatever may be necessary to carry into effect the object of this act; and the funds received from the sale of said bonds shall be under the control of and subject to the disposition of the said township board and the said freeholders thus appointed, for the purpose of improving Michigan avenue in the manner in this act contemplated.

Three freeholders to act with town board in expenditure.

Control of funds.

This act is ordered to take immediate effect.

Approved March 14, 1907.

[No. 412.]

AN ACT to provide for two additional aldermen for the city of Wyandotte, Wayne county, Michigan, to be known as aldermen at large.

*The People of the State of Michigan enact:*

SECTION 1. In addition to the aldermen now provided by law for cities of the fourth class, under the provisions of chapter eighty-eight of the Compiled Laws of eighteen hundred ninety-seven, the city of Wyandotte, Wayne county, Michigan, shall have two aldermen at large, to be elected by the qualified electors of said city.

Two aldermen at large.

SEC. 2. At the annual city election to be held on the first Monday of April, nineteen hundred seven, in said city of Wyandotte, there shall be elected two aldermen at large, one for the term of two years, and one for the term of one year, and the term for which each is elected shall be designated on the ballots cast for him at such election. After the first election of such aldermen at large, as herein provided, one alderman shall be elected annually for the term of two years.

When elected.

Term.

SEC. 3. Such aldermen at large shall be members of the common council of the said city of Wyandotte, and shall be vested with the same authority and duties as is vested by law in the members of such common council and shall take and file the oath of office as such in the manner provided by law.

To be council members.

Oath.

SEC. 4. Such aldermen at large shall receive the same compensation as the ward aldermen of the said city of Wyandotte.

Compensation.

Special pri-  
mary election.

Law  
governing.

SEC. 5. In case of the passage and approval of this act too late to hold the necessary primary election for the nomination of candidates for such aldermen at the annual city election of this year, as prescribed by law, then it shall be lawful for the electors of said city to hold a special primary election therefor, at some time to be fixed by the common council not less than five days before said annual election. Such special primary election shall be held under the provisions of the special law for the county of Wayne, so far as applicable, and the common council is hereby authorized to make such special provisions for the holding of said special primary election, in any case where such special primary law can not be made applicable.

This act is ordered to take immediate effect.

Approved March 14, 1907.

[No. 413.]

AN ACT to authorize the sale of bonds by the city of Grand Rapids, Michigan, to meet the cost of flood protection of said city from the waters of Grand river and streams tributary thereto, including moneys heretofore used therefor.

*The People of the State of Michigan enact:*

Bonds, manner  
of issue.

Proceeds used  
for flood pro-  
tection, etc.

Proviso, ques-  
tion sub-  
mitted.

SECTION 1. The common council of the city of Grand Rapids is hereby authorized to issue and sell, for the objects and purposes herein stated, one million dollars of bonds in such denomination as may be by it determined, such bonds to run for a period of twenty-five years from the date of issue and to draw interest at a rate not to exceed four and one-half per cent annual interest, payable semi-annually. Such bonds shall be executed and certified in the same manner as bonds issued under said city charter for public improvements other than street improvement or sewer construction bonds. The proceeds of the bonds so sold shall be used exclusively for the protection from floods of Grand river and streams tributary thereto within the limits of said city by dikes or walls or both, or otherwise, and the scaling of the river bed within the city limits, or for such other method of protecting the public from their floods or unsanitary conditions as may be decided by a two-thirds vote of the common council; also their proceeds may be used to reimburse the city for moneys used since January one, nineteen hundred six, for flood protection on Indian Mill creek and Grand river: *Provided*, That no such bonds shall be issued or sold by the common council of said city until the question of issuing the same has been submitted to the electors of said city at a special election

called for such purpose, or at a regular municipal election of said city, and approved by the majority of electors voting thereon. All bonds issued under this act shall be exempted from the payment of city taxes, and no city taxes shall be assessed against the owners for the value thereof. Exemption.

SEC. 2. The question of the issue of said bonds can only be submitted before the first day of January, nineteen hundred nine. The common council is authorized to issue bonds, approved by the electors, any time within five years after the authority for the issuing of the same has been given by the electors of the city voting thereon, and in such amounts as may from time to time be required by the progress of the flood protection work. If, at the full completion of said protection work and the payment of the cost thereof, all of said bonds have not been sold, then no more of the said bonds shall be sold, and, if there shall remain any of the proceeds of bonds sold, such moneys may be transferred by the common council to its general fund; but aside from such transfer, the proceeds of said bonds cannot be diverted to any other purpose either temporarily or permanently. All flood protection work shall be done under the direction of the board of public works of the city, and the same shall be done and let under contract by said board as a whole or in sections, in the same manner as provided by the board of public works act of nineteen hundred five, being title eight of such act. Limit for submission.  
Authority to issue.  
Disposition of bonds unsold and money unused at completion.  
Protection work, how directed.

This act is ordered to take immediate effect.

Approved March 14, 1907.

#### [No. 414.]

AN ACT to amend sections two, four, seven and eight of act number three hundred twenty-three of the local acts of nineteen hundred three, entitled "An act to incorporate the city of Beaverton, in the county of Gladwin."

*The People of the State of Michigan enact:*

SECTION 1. Sections two, four, seven and eight of act number three hundred twenty-three of the local acts of nineteen hundred three, entitled "An act to incorporate the city of Beaverton, in the county of Gladwin," are hereby amended to read as follows: Sections amended.

SEC. 2. The said city shall be divided into three wards as follows: The first ward shall embrace all that portion of said city described as follows: Ross Bros. addition to the village of Beaverton, that part of the northwest quarter of section seven in township seventeen north, range one west, lying north of the center line of Brown street in the said city First ward.

of Beaverton, that part of the city of Beaverton lying east of the Pere Marquette railroad in said city, and north of Brown street, and all that part of section twelve township seventeen north, range two west, lying north of the Tobacco river; the second ward shall embrace that portion of the territory in the city of Beaverton in section seven township seventeen north, range one west, lying south of the center line of Brown street, those portions of blocks four and six, Bliss, Brown and Ryan addition lying easterly from the Pere Marquette railroad right of way in said city, and all of blocks seven and ten Bliss, Brown and Ryan addition to the village of Beaverton lying east of lot ten in each block, and the north-east quarter of the southeast quarter of section twelve township seventeen north, range two west; and the third ward shall embrace all the territory of said city not embraced in wards one and two.

**SEC. 4.** The terms of office of all elective and appointive officers in the village of Beaverton, which now embraces all the territory, by this act organized into a city, shall be extended to the first Monday in April, nineteen hundred three, at which time the first election shall be held in said city. The present council of the village of Beaverton shall provide for the holding of said election by the appointment of a board of election commissioners, and by giving proper notice of the time and place in each ward and of the officers to be elected:

*Provided*, That the city of Beaverton shall comprise a single election and registration district, and the supervisor and the aldermen of the three wards shall constitute the board of election inspectors of said city. In all cases the wards shall have equal representation upon said board of election inspectors and said board shall organize as provided by law for other boards of election inspectors: *Provided*, That six of the members of said board shall be appointed as clerks of election, two for each ward, and separate ballots and ballot boxes shall be provided for the voters from each ward, and separate records and reports shall be made for each ward. The three aldermen whose term of office shall soonest expire shall constitute the board of registration of the city of Beaverton, and they shall keep the registration of each ward separately.

**SEC. 7.** The incorporation of said city of Beaverton shall in no way change the status of fractional school district number one of Beaverton township except as hereinafter provided, but the same shall continue as a graded school district, and no change shall be made in the manner or time of electing its district officers or in the management of said district, except that the taxes voted for school purposes in said district shall be apportioned at or before the time of the meeting of the board of supervisors of Gladwin county, in annual session, in October in each year, by the supervisors of the townships of Beaverton and Tobacco and the supervisors of the three wards of the city of Beaverton: *Provided*, That the said fractional school district number one of the township of Beaver-

ton shall embrace sections six and seven, the north half of section five, the west half of the southwest quarter of section five, and the west half of section eight of township seventeen north, range one west; and sections one and twelve, the north half of section two, the southeast quarter of section two, of township seventeen north, range one west, all of which is now embraced by said district. And all territory in township seventeen north, range one west, previously embraced in said district, and not embraced by this act, is hereby attached to district number three township of Tobacco; and all territory in township seventeen north, range two west, previously embraced in said district, and not embraced in said district by this act, shall be, and hereby is attached to school district number four of the township of Beaverton: *Provided*, That the board of school inspectors of said township may in their discretion form said territory into a new district, all laws and statutes to the contrary notwithstanding.

Proviso, as to  
new district.

SEC. 8. The city of Beaverton shall comprise a single assessment district and assessment of property and spreading of taxes therein shall be made by a city assessor, who shall be appointed at a regular meeting of the city council, held in March each year, and who shall hold his office for the term of one year from the first Monday in April and until his successor is elected and qualified; and the mayor, the city assessor and the three supervisors shall constitute the board of review of said city, and shall meet at the same time and under the same laws as govern the boards of review in townships. The city clerk shall be clerk of the board of review but shall have no vote.

Single assess-  
ment district  
city assessor,  
term.

Board of  
review.

Clerk.

This act is ordered to take immediate effect.

Approved March 14, 1907.

[No. 415.]

AN ACT to amend section nine of an act, entitled "An act to establish a department of public works in and for the city of Detroit and to repeal all acts or parts of acts in conflict therewith," approved February fifteen, nineteen hundred one, as amended.

*The People of the State of Michigan enact:*

SECTION 1. Section nine of an act, entitled "An act to establish a department of public works in and for the city of Detroit, and to repeal all acts or parts of acts in conflict therewith," approved February fifteen, nineteen hundred one, is hereby amended to read as follows:

Section  
amended.

**Salary of commissioner.** SEC. 9. The commissioner of public works shall receive from the city an annual salary of five thousand dollars; the  
**Secretary.** secretary of the department shall receive an annual salary of  
**City engineer.** two thousand five hundred dollars, and the city engineer shall receive an annual salary of four thousand dollars, each payable in semi-monthly installments; and the other officers,  
**Clerks and employes.** clerks and employes of the department shall receive such salary or compensation as the common council has prescribed or may hereafter prescribe; all to be paid on pay rolls as above provided.

This act is ordered to take immediate effect.

Approved March 14, 1907.

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[No. 416.]

AN ACT to provide for the payment of the actual and necessary expenses incurred by the county drain commissioner of the county of Allegan in the performance of his duties as such drain commissioner.

*The People of the State of Michigan enact:*

**Expenses of county drain commissioner.** SECTION 1. The county drain commissioner of the county of Allegan shall be permitted to be reimbursed for his actual and necessary expenses incurred in the performance of his duties as such county drain commissioner. The account for such expenses shall be proved, audited and filed as now provided by law and shall be paid by orders drawn upon the several drain funds in the manner now provided for the payment of the services of such drain commissioner.

**Account audited, orders drawn.**

This act is ordered to take immediate effect.

Approved March 14, 1907.

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[No. 417.]

AN ACT to amend act number two hundred seventy-one of the local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Holland," approved March eight, eighteen hundred ninety-three, as amended by the several acts amendatory thereof, by repealing sections sixteen, seventeen and eighteen of title five and section twelve of title seventeen of said act; and by adding eleven new sections thereto, to stand as sections seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fif-



teen of title nine and as sections thirty-one and thirty-two of title twenty-seven of said act; and by amending section three of title two; section eight of title three; sections one, three and five of title four; sections three, fifteen, twenty, twenty-one, twenty-three, twenty-four and thirty-seven of title five; section ten of title six; sections one and five of title seven; sections seven and seventeen of title eight; sections one, two, three, four, five and six of title nine; sections one, two, four and five of title eleven; sections two, five, ten, twelve and sixteen of title thirteen; sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of title seventeen; section one of title twenty-one; sections nine and ten of title twenty-four; sections six and seven of title twenty-six; sections two, five and sixteen of title twenty-seven; sections four, eight and eighteen of title twenty-eight; and sections five and fifteen of title twenty-nine of said act.

*The People of the State of Michigan enact:*

SECTION 1. Act number two hundred seventy-one of the Act amended.  
 local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Holland," approved March eight, eighteen hundred ninety-three, as amended by the several acts amendatory thereof, is hereby amended by repealing sections sixteen, seventeen and eighteen of title five, and section twelve of title seventeen of said act, which said sections are hereby repealed, and by adding eleven new sections there-to to stand as sections seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen of title nine, and as sections thirty-one and thirty-two of title twenty-seven of said act, and by amending section three of title two; section eight of title three; sections one, three and five of title four; sections three, fifteen, twenty, twenty-one, twenty-three, twenty-four and thirty-seven of title five; section ten of title six; sections one and five of title seven; sections seven and seventeen of title eight; sections one, two, three, four, five and six of title nine; sections one, two, four and five of title eleven; sections two, five, ten, twelve and sixteen of title thirteen; sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of title seventeen; section one of title twenty-one; sections nine and ten of title twenty-four; sections six and seven of title twenty-six; sections two, five and sixteen of title twenty-seven; sections four, eight and eighteen of title twenty-eight; and sections five and fifteen of title twenty-nine of said act, which said new and amended sections are hereby made to read as follows:

## TITLE II.

## REGISTRATION.

Election districts, sessions.

SEC. 3. Each ward, unless otherwise subdivided, shall be an election district by itself. On the Saturday next preceding the general election, and on the Saturday next preceding the day of the regular city election or any special election, and on such other days as shall be appointed by the council, not exceeding three days in all previous to any such election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each and every person then actually residing in the ward, and who, at the then next approaching election, may be a qualified elector and whose name is not already registered, to have his name entered in the register. Each member

Compensation.

of the board of registration shall, for attending all the sessions of the board, receive for his services at such registration three dollars, and for all services at a general re-registration provided for by section six of this title, six dollars.

## TITLE III.

## ELECTIONS.

Inspectors to choose chairman, etc.

SEC. 8. The inspectors shall choose one of their number chairman of the board, and the others shall be clerks of election, or when necessary the board may appoint two other persons to be clerks of election, and the persons so appointed, and each person chosen or appointed as inspector or clerk of election shall take the constitutional oath of office, which

Compensation.

oath either of the inspectors may administer. Said inspectors and clerks shall each receive six dollars for each general or charter election, and five dollars for each special or primary election.

## TITLE IV.

## OFFICERS.

City officers.

SECTION 1. There shall be elected in said city a mayor, city clerk, treasurer, and four justices of the peace, one of which justices of the peace shall be elected at each annual election.

SEC. 3. The following officers shall be appointed by the council, viz.: A city attorney, city engineer, street commissioner, city physician, health officer, and city inspector, and the members of the several boards of the city. Officers appointed.

SEC. 5. The mayor, city treasurer, supervisors and constables shall hold their office for the term of one year, from the first Monday in April of the year when elected. The city clerk shall hold his office for the term of two years, from the first Monday in April of the year when elected. The city treasurer shall be ineligible to hold his office longer than four years in any period of five years. All officers, whether elected or appointed, shall continue to serve until their respective successors have qualified and entered upon the duties of their office: *Provided*, That the city clerk in office at the date of the passage of this act, shall continue to discharge the duties of clerk of the board of public works, under the provisions of the act to which this act is amendatory, until the clerk of the board appointed under the provisions of this act shall have entered upon the discharge of his duties: And *Provided further*, That the city marshal in office at the date of the passage of this act shall continue to discharge all the duties of his office as provided in the act to which this act is amendatory and in the ordinances of the city until the chief of police, appointed by the board of police and fire commissioners under the provisions of this act, shall have entered upon the discharge of the duties of his office: And *Provided further*, That the city surveyor in office at the time of the passage of this act shall continue to discharge the duties of his office under the provisions of the act to which this act is amendatory, until the city engineer, appointed under the provisions of this act, shall have entered upon the discharge of the duties of his office: And *Provided further*, That the engineer of the fire department, in office at the date of the passage of this act, shall continue to discharge all the duties of his office as prescribed in the act to which this act is amendatory and in the ordinances of the city, until the fire marshal, appointed by the board of police and fire commissioners under the provisions of this act, shall have entered upon the discharge of the duties of his office. Terms of office.  
Proviso, city clerk.  
Further proviso, city marshal.  
Further proviso, city surveyor.  
Further proviso.

## TITLE V.

### DUTIES AND COMPENSATION OF OFFICERS.

SEC. 3. The mayor may remove any officer appointed by him at any time, for the neglect of duty. He shall have authority at all times to examine and inspect the books, records and papers of any of the boards of the city or of any agent, employe or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city. Mayor, power and duties of.

## CITY ENGINEER.

Plats, maps,  
etc.

In charge of  
public im-  
provements.

Sidewalks, etc.

Inspection of  
public build-  
ings.

Building  
lines.

SEC. 15. The city engineer shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors; and like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, grades, surveys, building lines, diagrams and estimates, plans and specifications, profiles and field notes that may be required by the council or any of the several boards of the city, relating to the public improvements, buildings, grounds, parks, sewers, water-works, streets, crosswalks and sidewalks of the city, and shall be the custodian of and responsible for all such plats, maps, diagrams, plans, profiles and field notes, and all other records and memoranda of the city pertaining to his office, all of which he shall keep in proper order and condition with full and complete index. All of such plats, maps, diagrams, plans, profiles and field notes and other records and memoranda made by him or under his direction or control during his term of office shall be the property of the city. He shall, whenever directed by the common council, or any of the several boards of the city, as the case may require, be the engineer in charge of the construction of the public improvements in the city, and of all public works done under contract. He shall exercise a general supervision over all sidewalks and crosswalks, and in the construction thereof shall, whenever directed by the common council, establish the grade thereof, and the lines along which they shall be built, and shall, pending the construction thereof, insist that such grades and lines be strictly observed and maintained. He shall promptly report to the common council all sidewalks and crosswalks that may be defective, obstructive or dangerous, and shall, subject to the direction of the common council, superintend the repairing or rebuilding thereof. He shall inspect all public buildings and buildings that are used for public assemblages, with a view of ascertaining whether the same are safe and well and sufficiently provided with means of speedy and safe egress in case of danger or sudden alarm, and whether they are provided with sufficient fire protection and fire escapes, as required by the laws of the State and the ordinances of the city; and in all cases when any such building is deemed by him to be not safe, or not provided with sufficient means of speedy and safe egress, or fire protection and fire escapes, he shall forthwith make a full and detailed report thereof to the common council. He shall require that all buildings erected within the city shall be in strict conformity with such building line or lines as may be prescribed by the ordinances of the city; and shall furthermore perform such other and additional duties as may be prescribed by resolution of the council or the ordinances of the city.

## CITY INSPECTORS.

SEC. 20. The city inspector shall, by virtue of his office, Duty. perform all the duties generally required of fire wardens, and shall examine all buildings of whatsoever character and nature, public and private, not herein otherwise provided for, with a view as to their safety against fire, and shall make report thereof to the common council in such manner as they may prescribe. He shall abate or cause to be abated all nuisances in anywise affecting the health and safety of the inhabitants of the city in such manner as may be required by the general laws of the State, and shall carry into effect all lawful orders of the health officer, and all orders and regulations of the board of health; he shall also carry into effect all orders and directions given him by the city engineer, and shall furthermore perform such other and additional duties as may be prescribed by resolution of the council or the ordinances of the city, or as may be directed by the mayor. Nuisances abated.

## STREET COMMISSIONER.

SEC. 21. It shall be the duty of the street commissioner Duty. to perform or cause to be performed, all such labor, repairs and improvements upon the highways, streets, alleys, bridges, reservoirs, drains, culverts and public grounds, except public parks within the city, as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council: Proviso, city engineer. *Provided*, That all labor, repairs and improvements upon the paved streets, bridges, reservoirs, drains and culverts of the city shall be under the direction of the city engineer.

## CONSTABLES.

SEC. 23. The constables of the city shall have the like Power of. powers and authority in matters of civil and criminal nature, and in relation to the service of all civil and criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services: *Provided*, They shall not have power to serve criminal process issued for breaches of the ordinances of the city. Proviso, criminal process.

SEC. 24. The constables of the city shall obey all lawful Duty of. orders of the mayor, and for any neglect or refusal to perform any lawful duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk. Bond.

SEC. 37. The city clerk, city treasurer, city attorney, city engineer, street commissioner, and city inspector shall each Salary of clerk, treasurer, etc.

Compensation of supervisor.	receive such annual salary as the council shall determine by ordinance. The compensation of the supervisors for assessing and levying taxes, extending taxes upon their rolls and for all other services performed by them, shall be the same as provided by law. The mayor shall receive a compensation of one hundred dollars annually. Each alderman shall receive an annual compensation of fifty dollars. The school trustees and all members of boards, except as herein otherwise provided, shall serve without compensation. Justices of the peace, in issuing process and when engaged in causes and proceedings for violations of the ordinances of the city, may charge and receive such fees as are allowed to justices for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensations as the council shall determine.
Mayor.	
Alderman.	
School trustees.	
Justices of the peace.	
Other officers.	

## TITLE VI.

### COMMON COUNCIL.

City attorney, engineer and street commissioner.	SEC. 10. The city attorney, city engineer and street commissioner shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall, from time to time, prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.
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## TITLE VII.

### GENERAL POWERS OF THE CORPORATION.

Further powers.	SECTION 1. The city of Holland, in addition to such other powers as are conferred by this act, shall have the following general powers and authority, and the common council of said city may enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations in relation thereto, and for the exercise of the same, as they may deem desirable, viz.:
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Vice, immorality.	First, To restrain and prevent vice and immorality, gambling, noise and disturbance of the public peace, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; preserve peace and good order, and to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;
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Vagrants.	Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards and persons found drunk in
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any of the streets, parks or public places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the streets, parks or public places in the city, and common prostitutes;

Third, To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same and generally to determine and declare what shall be deemed nuisances; Nuisances.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses and all places where persons resort for gaming or to play at games of chance, and to punish the keepers and inmates thereof, and all persons lodged or found therein; Disorderly houses.

Fifth, To regulate, license or prohibit and suppress billiard tables, nine or ten pin alleys or tables and ball alleys, and to punish the keepers thereof; Billiards.

Sixth, To prohibit and suppress every species of gaming and gambling, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming or gambling; Gaming.

Seventh, To prohibit and suppress ale, beer and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof, and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe; Saloons.

Eighth, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors, and to punish any person so selling or giving; Liquors.

Ninth, To regulate, restrain, prohibit or license all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received, lectures on historic, literary, religious or scientific subjects excepted; Shows, exhibitions.

Tenth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled at any time for any lawful purpose; and to require all places of business to be closed on the Sabbath day; Sabbath desecration.

Eleventh, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auction- Auctioneers.

- eers; but no license shall be required in case of sales required by law to be made at auction or public vendue;
- Hawkers, peddlers.** Twelfth, To license hawkers, peddlers and pawnbrokers and hawking and peddling; and to regulate and license the soliciting of orders from consumers, the sale or the peddling of goods, wares, merchandise, refreshments, or any kind of property or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in or upon the streets, highways, alleys, sidewalks, or in or upon the wharves, docks, or from boats, open places or spaces, public grounds, or buildings in the city;
- Wharf boats.** Thirteenth, To license and regulate wharf boats within the jurisdiction of the city;
- Hotels, restaurants, etc.** Fourteenth, To regulate and license all taverns, hotels and houses of public entertainment; all saloons, restaurants and eating houses, and all places where tobacco, cigars and any beverages are kept for sale; and to prescribe, regulate, restrict and designate the location thereof;
- Vehicles for hire.** Fifteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city, and regulate and fix their stands on the streets and public places, and at wharfs, boat landings, railroad station grounds and other places;
- Lumber, hay, etc.** Sixteenth, To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise;
- Weights and measures.** Seventeenth, To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures;
- Street sprinkling.** Eighteenth, To provide for the sprinkling of the streets or parts of the streets of the city, and to pay for the same by special assessment levied in special street sprinkling assessment districts to be established for that purpose; such special assessment to be levied by feet frontage and collected in the same manner as is provided in Titles XXVII, XXVIII and XXIX of the act to which this act is amendatory for the levying and collecting of special assessments for special street improvements: *Provided*, That unless a majority of the persons to be assessed in any one special street sprinkling assessment district shall petition therefor no such street sprinkling shall be ordered, except by the concurring vote of two-thirds of all the aldermen elected;
- Proviso, majority petition.**
- Buyers and venders.** Nineteenth, To enforce the keeping and use of proper weights and measures by buyers and venders;
- Vaults, hydrants, etc.** Twentieth, To regulate the construction, repair and use of all vaults, cisterns, areas, hydrants, pumps, sewers and gutters;
- Indecency.** Twenty-first, To prohibit and prevent, in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, and books or pam-



phlets, and all indecent or obscene exhibitions and shows of every kind;

Twenty-second, To regulate or prohibit bathing in the Bathing.  
rivers, ponds, streams and waters of the city;

Twenty-third, To provide for clearing the rivers, ponds, Driftwood,  
waters and streams of the city, and the races connected filth.  
therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;

Twenty-fourth, To compel the owner or occupant of any Offensive  
grocery, tallow chandler shop, soap or candle factory, butcher places.  
shop or stall, slaughter house or rendering place, stable, barn, privy, sewer, hog pen or other offensive, nauseous or unwholesome structure, place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of the city;

Twenty-fifth, To direct and regulate the construction of Cellars, slips,  
cellars, slips, barns, private drains, sinks and privies; to barns.  
compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;

Twenty-sixth, To prohibit, prevent and suppress mock Mock  
auctions, and every kind of fraudulent game, device or practice, auctions.  
and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the maintenance, management or practice thereof;

Twenty-seventh, To prohibit, prevent and suppress all lot- Lotteries.  
teries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing or managing the same or aiding in the maintaining, directing or managing of the same;

Twenty-eighth, To license and regulate solicitors for pas- Solicitors for  
sengers or for baggage to and from any hotel, tavern, public passengers, etc.  
house, wharf, boat or railroad; and to provide the places where they may be admitted to solicit or receive patronage; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Twenty-ninth, To provide for the protection and care of Paupers.  
paupers and poor persons in the city, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon the city, and to punish therefor;

Thirtieth, To provide for taking a census of the inhabitants Census.  
of the city, whenever the council shall see fit; and to direct and regulate the same;

- Explosives.** Thirty-first, To regulate the keeping, storing, selling and using of gunpowder, firecrackers and fireworks, kerosene or other combustible oils and materials, and the exhibition of fireworks, and the discharge of firearms, and to regulate and prohibit the making and the lighting of fires in the streets or other open spaces in the city; and to regulate the use of lights in barns, stables and other buildings;
- Scavengers, etc.** Thirty-second, To appoint, license and regulate scavengers and chimney sweeps, fix their fees and compensation and prescribe their rights and duties;
- Provisions, inspection of.** Thirty-third, To provide for and regulate the inspection and sale of meats, poultry, fish, butter, cheese, lard, vegetables, fruits, flour, meal and other provisions, and to establish and regulate markets and market places; to prescribe the times for opening and closing the same, the kind and description of articles which may be sold, and the stands and places to be occupied by the venders; and to adopt and enforce all such rules and regulations as may be necessary to prevent fraud and to preserve order and cleanliness in the markets; and to authorize and direct the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any articles in his or her possession, and to authorize the seizure and destruction of tainted or unsound meats, fruits, vegetables or other provisions exposed for sale therein or anywhere else in the city;
- Dog license.** Thirty-fourth, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses, and to regulate and prevent the running at large of dogs, to require them to be muzzled, and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city;
- Offensive substances.** Thirty-fifth, To prohibit any person from bringing or depositing within the limits of the city any dead carcasses or other unwholesome or offensive substances, and to require the removal and destruction thereof; and if any person shall have on his premises such substances or any putrid meats, fish, hides and skins of any kind, to remove or destroy the same, and on his default, to authorize the removal and destruction thereof as a public nuisance by some officer of the city;
- Street noises.** Thirty-sixth, To regulate the ringing of bells and the crying of goods and other commodities for sale at auction, and to prevent disturbing noises in the streets, sidewalks and other public or private places in the city;
- Building lines.** Thirty-seventh, To regulate and establish the line upon which buildings may be erected on any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner, builder or workman violating this provision; and to prevent the erection, repairing and remodeling of all buildings deemed unsafe, and provide for the removal of the same;

**Thirty-eighth,** To prevent and punish horse racing and immoderate driving or riding in any street, lane, park or alley, or over or across any bridge in the city, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, lane, park or alley, or over or across any bridge in said city; and to prevent any person from riding or driving upon or across any sidewalk;

Immoderate driving or riding.

**Thirty-ninth,** To regulate the vending of hay, wood, meats, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same; to prohibit the sale of unwholesome meat, poultry, fish, fruits, vegetables or other articles of food or provisions, or the knowingly keeping or offering the same for sale; and to authorize the seizure and destruction of tainted or unsound meats, vegetables, fruit, fish and other provisions exposed for sale: *Provided*, Nothing herein contained shall authorize the council to restrict in any way the sale of fresh and wholesome meats by the quarter or carcass within the limits of the city;

Hay, meats, vegetables; time and place of selling.

Proviso, meat by the quarter, etc.

**Fortieth,** To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks;

Building regulations.

Street names.

**Forty-first,** To provide for and regulate the lighting of the streets, alleys and public buildings and places and regulate the setting of street signs and posts, lamps and lamp-posts, and provide for the protection and safety of the same; and to regulate the placing and using of all street railway, telegraph, telephone and electric light posts, poles, conduits and wires;

Street lighting.

Poles, conduits, wires.

**Forty-second,** To require the owner or occupant of any building, fence or structure that may be ruinous or liable to fall and injure persons and property, or that may be unsightly and offensive, to pull down and remove the same, and to authorize the same to be done by the officers of the city at the expense of the owner thereof;

Ruinous buildings, etc., removal of.

**Forty-third,** To sell or otherwise provide for disposing of all dirt, filth, manure and debris lying in or gathered from the highways, streets, avenues, lanes, alleys or public places; and of all earth to be removed therefrom or from the public squares and grounds of the city, in grading, paving or otherwise improving the same;

Dirt, debris.

**Forty-fourth,** To provide grounds and places, either within or without the limits of the city, on which to deposit the rubbish, garbage and refuse material in and about the city, and to require the owners and occupants of any lot, building or premises in the city to remove therefrom any and all rubbish, garbage and refuse material found thereon or therein, and to deposit the same on such grounds;

Garbage grounds.

**Forty-fifth,** To control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public

Streets, avenues, etc., use of.

grounds and spaces within said city shall be used, and to provide for the preservation of and prevention of wilful injury to gutters in said highways, streets, lanes and alleys;

Signs on vehicles.

Forty-sixth, To prevent, control and regulate the exhibition of signs on canvas or otherwise in and upon any vehicle standing or traveling upon the streets of the city;

Frightening of horses.

Forty-seventh, To prohibit all practice, amusements and doings in said streets having a tendency to frighten teams or horses or endanger life or property;

Pistols, dangerous toys.

Forty-eighth, To prohibit and punish the use of toy pistols, sling-shots and other dangerous toys or implements within the city;

Hitching of horses.

Forty-ninth, To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held;

Hitching posts.

Fiftieth, To regulate the placing and provide for the preservation of horse or hitching posts;

Public property.

Fifty-first, To provide for the care, custody and preservation of the public property of the city;

Fountains, etc.

Fifty-second, To provide for, establish, regulate and preserve all such public fountains and reservoirs within the city as, in the opinion of the council, the convenience of the inhabitants may require; and also all such troughs and basins for watering animals as they may deem proper;

Transient traders.

Fifty-third, To license transient traders, which shall be held to include all persons who may engage in the business of selling goods or merchandise after the commencement of the fiscal year. The license fee in such cases may be apportioned with relation to the part of the fiscal year which has expired, but such traders, if they continue in the same business, shall not be required to take out a second license after the commencement of the next fiscal year: *Provided*, Such goods or merchandise have been assessed for taxes for said fiscal year;

License fee.

Proviso, goods assessed.

Entrances and exits of theatres, etc.

Fifty-fourth, To regulate the entrances to and exit from theatres, lecture rooms, churches, public halls and public buildings of every kind, and prohibit the placing of chairs, benches or other obstructions in the halls, aisles or open places therein;

Further powers.

Fifty-fifth, And the council shall have further authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; and to provide means for paying its liabilities and defraying the contingent expenses of the city, subject only to the limitations and restrictions in this act contained; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

Permits, etc., not granted.

Sec. 5. The council shall have authority to permit any railroad company or street railway company to lay its tracks and operate its road with steam, electric or other power, in or across the streets, highways and public alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such tracks, or the operating of any such road, except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: *Provided*, That no franchise for the use or occupancy of any street for any purpose shall be granted to an individual, company or corporation, except by a two-thirds vote of all the aldermen elected, nor shall any such franchise be granted for a period exceeding thirty years: And *Provided further*, That no ordinance or resolution granting directly or by implication any franchise, whether the same be an original grant or an extension or amendment of an existing grant, shall become operative and of effect within thirty days from the date of its passage by the common council and approval by the mayor, or within thirty days from the time hereinabove allowed the mayor to approve the same after its presentation to him, or within thirty days from the date of its re-passage over his veto. If, within such period of thirty days, the electors of the city, to the number of not less than twenty-five per cent of the total vote cast for the office of mayor at the last preceding annual charter election, shall petition the common council for the submission of such ordinance or resolution to the vote of the electors of the city for their approval or rejection, then such proposed measure shall not go into effect, but the same shall be so submitted to the vote of the electors, at an annual or special election, as the common council may direct. Such election, and the canvassing of the votes and declaring of the result thereof shall in all respects be governed by the provisions of the act to which this act is amendatory applicable to the holding of annual or special elections, as the case may be. If a majority of the votes cast at such election shall be against the approval of such proposed measure, the same shall be held as not having been passed and be void and of no effect. If a majority of the votes so cast shall be in favor of the approval of such proposed measure the same shall be valid and take effect the day after such election.

Streets, use  
of by railway  
companies, etc.

Damages.

Proviso, fran-  
chise, how  
granted.

Further pro-  
viso, date of  
effect.

Ordinance,  
when sub-  
mitted to  
electors.

Election, etc.,  
how governed.

## TITLE VIII.

## ORDINANCES.

Publication  
and evidence  
of.

SEC. 7. Within one week after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and the clerk shall immediately after such publication enter on the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be prima facie evidence that legal publication of such ordinance has been made. In like manner the clerk shall record and certify to any and all action that may be had under the provisions of section five of Title VII, with reference to ordinances granting franchises, when such ordinances shall have been submitted to a vote of the people.

Issue of  
process.

Ordinances,  
etc., re-  
enacted.

SEC. 17. All process issued in any prosecution or criminal proceeding for the violation of any ordinance of the city, shall be directed to the chief of police or any member of the police force of the city of Holland and may be executed in any part of the State by said officers. The ordinances of the city and the rules and regulations of the common council and of the several boards of the city now in force and not inconsistent with this act, the provisions and enforcement whereof may be in anywise affected by the passage of this act, are hereby re-enacted by virtue of and under the powers conferred by this act and the act to which this act is amendatory, and shall continue in force until altered, amended or repealed by the common council or the several boards, as the case may be.

## TITLE IX.

## BOARD OF POLICE AND FIRE COMMISSIONERS.

Power and  
duty of.

SECTION 1. All the powers and duties connected with and incident to the government, maintenance and discipline of the police department and of the fire department of the city shall, subject to the limitations herein set forth, be vested in and exercised by a board of three commissioners, who shall be freeholders and electors of the city. Such board shall be known and designated as The Board of Police and Fire Commissioners. They shall be appointed by the common council on the first Monday in May, and shall hold their office for the term of three years each, except that at the first appointment, in nineteen hundred seven, one commissioner shall be appointed for one year, one for two years and one for three

Appointment  
and term of.

years, from the first Monday in May of the year when so appointed, and annually thereafter one member shall be appointed for three years. The council may remove any member so appointed for inattention to his duties, for want of proper judgment or qualification in the discharge of the duties required of him, or for other good and sufficient cause.

Removal from office.

Sec. 2. The board shall organize annually, in the month of May, and elect one of their number president. A majority of the board shall constitute a quorum for the transaction of business. The city clerk shall be ex-officio clerk of the board, but shall have no vote therein. It shall be his duty to perform all the clerical labor required by the board, and he shall have charge of all their books, records and papers, exercise a general supervision over their accounts, and keep a separate account of the financial affairs of each department.

President.

Quorum.

Clerk, duty of.

Sec. 3. The board shall, subject to the approval of the common council, fix and determine the compensation of all the officers and men in their employ or under their jurisdiction, except that of the clerk. They shall have authority to prescribe and enforce reasonable fines and penalties for the breach of any of its rules or regulations on the part of any member of either department. All accounts for expenditures incurred by the board shall, after the same shall have been approved by the board, be certified by the clerk to the common council, and if found to be correct and proper, the latter shall direct the same to be paid by warrant drawn on the city treasurer, payable out of the police fund or the fire department fund, as the case may be.

Compensation, how fixed.

Fines and penalties.

Accounts incurred.

Sec. 4. The board shall annually, on the third Monday in April, and oftener when required, make to the common council two reports, one embracing the police department and the other the fire department. The report for the police department shall contain the number of men in the service, giving their names, ages, positions and compensations; also, an itemized statement of all moneys received, the disposition made thereof and expenditures incurred by them during the preceding fiscal year; also, all arrests made by the police force and prosecutions had, together with the nature of the offense, the date and final disposition thereof, and the amount of fines, penalties and forfeitures and costs of prosecution imposed and collected. It shall also review the state of the service, the condition of the jail and the police property and equipment in their care and control, giving a complete inventory thereof, with such recommendations of the needs and requirements of the department as the board may deem proper to make. The report for the fire department shall review the state of the department, giving the number of men in the service, their names, ages, positions and compensations; also, all fires during the preceding fiscal year, the causes thereof, the amount of damages sustained, and the amount of insurance recovered therefor; also, the condition of the property and fire apparatus belonging to the city, together with a com-

Annual reports.

Police department report.

Fire department report.

plete inventory thereof, with such recommendations of the needs and requirements of the department as they may deem proper to make.

#### POLICE.

Power of board.	SEC. 5. The board is hereby charged and entrusted with the following duties, powers and responsibilities:
Rules and regulations.	First, The supervision, management and discipline of the police department of the city, and the power to make and enforce all necessary rules and regulations for the government thereof;
Appointment of chief, etc.	Second, The appointment of a chief of police, policemen, detectives, special policemen and watchmen, who shall constitute the police force of the city, and such other employes as they may deem necessary, all of whom shall hold their respective appointments during the pleasure of the board:
Proviso, ratio governing.	<i>Provided</i> , That the number of policemen so appointed, exclusive of special policemen and watchmen, shall at no time exceed two for every three thousand inhabitants of the city:
Further proviso.	And <i>Provided further</i> , That the appointment of a chief of police shall be made subject to the confirmation of the common council;
Uniforms, etc.	Third, To prescribe suitable uniforms and badges for officers and members of the police department;
Patrol boxes, jail.	Fourth, To have the care, control, custody and jurisdiction of the patrol boxes of the city, and also of the city jail and the grounds on which it is located;
Purchases.	Fifth, To make all purchases necessary for the efficiency and management of the police department.
Duties prescribed.	SEC. 6. The board shall prescribe the duties of the chief of police and of all officers and men on the police force of the city, and shall make provision for the preservation of the public peace, the prevention of crime, the arrest of all offenders against the peace and good order of the city, and of all persons violating any of the ordinances of the city or the penal laws of the State. They shall provide for the preservation of order and the protection of the rights of all persons and property at fires, and at railroad depots and steamboat landings. It shall be their duty at all reasonable times, whenever consistent with the regulations of the board and the provisions of this act, to furnish all information desired and comply with all requirements made by the common council or the mayor.
Chief, directory power of, etc.	SEC. 7. The chief of police, subject to the direction of the board, shall have the superintendence and direction of all the policemen, detectives, special policemen, and watchmen in the city. It shall be his duty to see that the jail, the patrol boxes, and all police property and equipment are kept in good order, and that all the rules and regulations and ordinances relative to the police department are duly enforced.
Special police.	SEC. 8. The board may appoint as many special police-



men, with or without compensation, in times of emergency, or in case of riot or danger from riot, as they may deem expedient, or as the common council or mayor may request. They may also, whenever it is deemed proper by them, appoint any number of special policemen to do duty at any designated place within the city upon the application of any person or persons showing the necessity therefor, but at the expense of such person or persons. The special policemen so appointed shall perform duty only at the place or places designated by the board and shall continue in office during the pleasure of the board.

SEC. 9. All persons appointed by the board to the police force shall be citizens of the United States and shall have been continuous residents of the city for at least six months next preceding such appointment. The board may prescribe and adopt such system of reports from the members of the force to the chief and from the chief to the board as they shall find desirable, and shall require a bond in such amount and with such sufficient sureties as they may determine from the chief of police to the city; they may also, in their discretion, require a bond with sufficient sureties from any officer or member of the police force for the proper and faithful performance of his duties.

Requirements  
of appointees.

Reports.

SEC. 10. It shall be the duty of the police force, under the direction of the mayor, and in conformity with the ordinances of the city and the laws of the State, to suppress all riots, disturbances and breaches of the peace; and they shall arrest upon view, and without process, any person in the act of violating any ordinances of the city, or of committing any crime against the laws of the State. It shall also be the duty of the police force to pursue and arrest in any part of the State any person charged with a criminal offense committed within the corporate limits of the city, and to apprehend and detain within the city any person fleeing from justice or suspected of crime; also to apprehend within the city any and all persons in the act of committing any offense against the penal laws of the State or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaint to the proper officers and magistrates of any person known or believed by them to be guilty of having violated within the city any of the penal laws of the State or ordinances of the city; to enforce all laws, ordinances and regulations for the preservation of good order and the public welfare; and within the city to serve and execute all criminal process, directed or delivered to them for service, and for such purposes the chief of police and every policeman shall have all the powers of constables. The chief of police and any policeman may also serve and execute within or without the limits of the city all criminal process in all suits and proceedings for violations of the ordinances of the city, and may also, within or without the limits of the city, serve and execute

Riots, dis-  
turbances.

Criminal  
offenses.

Service of  
criminal pro-  
cess, etc.

any writ of commitment, mittimus or subpoena in any criminal proceeding instituted before any justice of the peace of the city.

Officer's fees  
in criminal  
proceedings.

SEC. 11. In all criminal proceedings before any justice of the peace of the city, whether for the violation of the penal laws of the State or of the ordinances of the city, when in the final judgment of any such case, any officer's fees shall be assessed therein for services rendered by a member of the police force of the city, such fees shall be the same as are allowed by law to constables for like services, and such fees after having been paid in and collected by such justice, instead of being paid to such police officer shall be paid to the city treasurer, such payment to be made before the first Monday next after the collection or receipt thereof. The city treasurer shall give his receipt therefor in duplicate, one of which the justice shall file with the clerk of the board, together with his report as required by section thirty-one of title five of the acts to which this act is amendatory: *Provided*, That in all cases brought for the violation of the penal laws of the State where such fees shall not be paid to such justice the same shall be a charge against the county, to be audited and paid by the board of supervisors, as provided by the general laws of the State. In the collection of such accounts the chief of police shall represent the city, and it shall be his duty to present such accounts to the board of supervisors, collect the money therefor and pay the same to the city treasurer at the same time and in like manner as is provided in section thirty of title five.

Duplicate  
receipt.

Proviso, fees  
not paid  
justice.

#### FIRE.

Powers.

SEC. 12. The board is furthermore charged and entrusted with the following duties, powers and responsibilities:

Supervision of  
fire depart-  
ment.

First, The supervision, management and discipline of the fire department of the city;

Appointment  
of firemen.

Second, The appointment of a fire marshal, assistant fire marshal, firemen, hosemen, hook and ladder men, drivers, and such other employes as they may deem necessary, all of whom shall constitute the fire department of the city, and who shall hold their respective appointments during the pleasure of the board: *Provided*, That the number of firemen, hosemen, hook and ladder men, drivers, and of other employes to be appointed shall first be submitted to the common council for their approval: And *Provided further*, That the appointment of a fire marshal shall be made subject to the confirmation of the common council;

Proviso,  
approval.

Further pro-  
viso, fire  
marshal.

Uniforms, etc.

Third, To prescribe suitable uniforms and insignia of office for the members of the fire department;

Engine  
houses and  
apparatus.

Fourth, To have the care, control, custody and jurisdiction of all engine houses, fire engines, hose carts, hook and ladder trucks, horses, hose, implements, tools, bells, and all other apparatus and property of whatsoever nature connected with

the fire department of the city, except the fire alarm system and fire hydrants;

Fifth, To make all purchases necessary for the efficiency of the service and maintenance of the fire department: *Provided*, That whenever the expense of any purchase of whatsoever nature or the repairs of any building shall exceed the sum of two hundred dollars, the board shall first submit estimates and plans thereof to the council for their approval, and when so approved the board shall make such purchases or repairs.

Purchases.  
Proviso,  
estimates.

Sec. 13. The fire marshal, under the direction of the board, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, horses and all other property and conveniences for the extinguishment and prevention of fire, and it shall be his duty to see that the same are at all times kept in order, and that the rules, regulations and ordinances relative to the fire department and the prevention and extinguishment of fires are duly executed, and whenever required by the board, to make detailed and particular reports of the state of the department, the conduct of the members thereof, and of such other matters as may be required by the board.

Fire marshal  
to have cus-  
tody, etc.

Sec. 14. The board shall prescribe the duties of the fire marshal and of all officers and members of the fire department, and may, in its discretion, require from the fire marshal and the assistant fire marshal a bond with sufficient sureties for the proper and faithful performance of their duties. All persons appointed to the fire department by the board shall be not less than eighteen years of age, and shall have been continued residents of the city for at least three months next preceding such appointment.

Board to  
prescribe  
duties, bond.

Age of  
appointees.

Sec. 15. The board shall prescribe the necessary rules and regulations for the government of the members of the fire department at fires, to preserve property and prevent it from being stolen, and to extinguish and prevent the spreading of fires; but in no case shall any member of the board or any officer of the city control or direct the fire marshal or assistant fire marshal during any fire. The board shall require reports from the fire marshal of all fires, fire alarms, losses and insurance recovered on all property destroyed and keep a proper record thereof.

Rules and  
regulations.

Reports to  
be made.

## TITLE XI.

### PARKS AND CEMETERIES.

SECTION 1. The city of Holland may by gift, or purchase, or by transfer and conveyance from cemetery associations heretofore organized under the general laws of the State, acquire, hold and own such public parks, playgrounds, ceme-

City may  
acquire.

	<p>tery, or public burial places, either within or without the limits of the corporation, as in the opinion of the council may be necessary for the public welfare, or suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interment therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere, and may provide for and compel the keeping and return of bills of mortality.</p>
Re-interment.	
Annual appropriation for parks, cemeteries.	<p>SEC. 2. The council may annually within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purchase of public parks and cemetery grounds, and for the improvement, adornment, protection and care of such public parks and cemetery grounds, and of such avenues and streets or parts thereof as may be set apart for park purposes, under the provision of section four of this title. The council shall also be authorized to extend the water mains of the city to any cemetery that may be situated without the corporate limits of the city.</p>
Extension of water mains.	
President and clerk of board.	<p>SEC. 4. The board of park and cemetery trustees shall appoint one of their number president and the city clerk shall be clerk of the board. The council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management and preservation of the public parks of the city, the cemetery grounds, the tombs and monuments therein, and the appurtenances thereof. The council may also, by ordinance, designate and set apart for park purposes a strip of land of such length and width along the sides or center thereof in such of the avenues and streets of the city as they may select, for improvement and adornment, and thereupon such part of such avenue or street so set apart shall be under the direction, control and management of the board of park and cemetery trustees in like manner and for like purposes as are the public parks of the city. In addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.</p>
Land set apart for parks.	
Parks and cemeteries, how cared for.	<p>SEC. 5. The board, subject to the directions and ordinances of the council, shall have the care and management of all public parks, cemeteries and burial places, and of the sidewalks and terraces adjacent thereto, and shall direct the improvement and embellishment of the grounds, cause all burial grounds to be laid out into lots, avenues and walks, the lots to be numbered, and the avenues and walks to be named, and the plats thereof to be made and recorded in the office of the clerk. The board shall fix the price of cemetery lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the president and clerk and be recorded in the office of the clerk. The fees for recording such conveyances shall be the same as are allowed by law to registers of deeds for like services;</p>
Cemetery lots.	
Conveyances of.	
Recording fees.	

they shall be paid by the purchaser to the clerk and by him paid over to the city treasurer. .

### TITLE XIII.

#### BOARD OF PUBLIC WORKS.

Sec. 2. The board shall organize and, annually, in the month of May, elect one of their number president. A majority of the board shall constitute a quorum for the transaction of business. They shall, subject to the approval of the common council, appoint a clerk, who shall hold his office during the pleasure of the board, and whose duty it shall be to perform all the clerical labor required by the board; he shall have charge of all their books, records and papers, and exercise a general supervision over their accounts. He shall, before entering upon the duties of his office, give a bond in such sum and with such sureties as the board may direct for the faithful performance of the duties of his office. Such bond, when approved by the board, shall be deposited with the city treasurer. The board shall also appoint a superintendent of public works, who shall hold his office during the pleasure of the board. He shall, subject to the direction of the board, have the superintendence, control and direction of all the public works and property placed in charge and under the supervision of the board, and shall be responsible to the board for the effective and economical operation and maintenance thereof. He shall, subject to the direction of the board, have full control and direction over all other officers and employes of the board, and have full access at all times to all the books, records, papers and accounts of the board. The superintendent of public works shall give a bond for the faithful performance of the duties of his office, in such sum and with such sureties as the board may prescribe, and when approved by the board such bond shall be filed with the city clerk. The board shall also appoint a collector, who shall hold his office during the pleasure of the board, and whose duty it shall be to collect the water and electric light rates and all other accounts and moneys due the board, in the manner hereinafter set forth. The collector shall give a bond for the faithful performance of the duties of his office, in such sum and with such sureties as the board may prescribe, and when approved by the board such bond shall be filed with the city clerk. They shall also, subject to the approval of the council, fix the salaries of the clerk, collector and superintendent of public works.

President  
elected an-  
nually.

Quorum.

Clerk to give  
bond.

Superintend-  
ent of public  
works.

Bond of.

Collector.

Bond of.

Salaries.

When council  
to approve  
plans, etc.

Sec. 5. Whenever the expense of constructing or repairing any public work placed under the control of the board of public works shall not exceed the sum of five hundred dollars, the work shall be done by the board in such manner as they may deem proper; but whenever such expense

Proviso,  
sealed pro-  
posals.

Further pro-  
viso, day  
labor.

Collector,  
duty of.

To take  
duplicate  
receipts.

Delinquent  
rates; levy  
and assessment  
of.

Proviso, in-  
terest accrued.

shall exceed the sum of five hundred dollars, then the board shall submit the plans, diagrams, profiles and estimates thereof to the council for their approval, and when so approved, the board shall, subject to the approval of the council, cause such work to be done by contract or otherwise, in such manner as they may deem proper: *Provided*, That if the expense shall exceed the sum of one thousand dollars, the board shall advertise for sealed proposals, and shall give such notice thereof as the council may direct, and shall let the contract to the lowest responsible bidder, who shall be deemed competent to do the work and give adequate security for the performance thereof, which contract and security shall be approved by the council: *Provided further*, That in all cases where the expense of labor in the construction or repairing of any such public work, exclusive of the cost of any and all material to be used therein, shall exceed the sum of one thousand dollars, then and in such case the board may, subject to the approval of the common council by a two-thirds vote of all the aldermen elected, cause such labor to be performed by day labor under the direct supervision of the board, and the board shall thereupon advertise for sealed proposals and let the contract for the furnishing of all the material for such work in the manner herein above prescribed.

SEC. 10. It shall be the duty of the collector of the board to collect all the rates and moneys as provided by this title, and to give his receipt therefor. Said receipts shall be countersigned by the clerk of the board. The collector shall, on or before the twentieth day of each month, and oftener whenever required by the board, pay into the city treasury, to the credit of the several funds, all moneys received by him for water, electricity and gas rates, or from any other source connected therewith, and shall file a detailed statement thereof with the clerk of the board. For all moneys so paid into the city treasury, the collector shall take duplicate receipts, one of which shall accompany such statement; the other he shall present to the common council.

SEC. 12. It shall be the duty of the clerk of the board, on or before the fifteenth day of July next following, to present such original statement of delinquent rates to the council. Upon receipt of such statement, the council shall cause all such several delinquent rates to be levied as a special assessment upon the lots or premises therein described respectively. Such special assessment shall in all respects be made and treated in accordance with the provisions of Title XXVII of the act to which this act is amendatory, relative to special assessments; and all the provisions of said Title XXVII shall be and they are hereby made to cover and to include the enforcement and collection of such delinquent rates and the interest thereon, the same as all other special assessments for public or local improvements therein mentioned: *Provided*, That the board of assessors in reporting such special assess-

ment roll to the common council, as in said title directed, shall further compute and in a separate column opposite each description set down the interest accrued and still to accrue on each item of said rates from the thirtieth day of June to the first day of December next ensuing, and the aggregate of such delinquent rates and the several amounts of interest for each description shall be carried into the last column of the roll: *Provided further*, That it shall be lawful at any time prior to the first day of October to pay to the collector such delinquent rates, with the interest computed thereon, up to the date of payment, and the collector shall issue therefor his receipt, which receipt shall be countersigned by the clerk.

Further proviso as to delinquent rates.

SEC. 16. If any person shall, without the authority of the board or their proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main, log or aqueduct belonging to the water-works or sewer system of the city, or cause to be made any connection or communication with said pipes, aqueducts or logs, or meddle with or move the same, or take down or deface any of the notices provided for in the preceding section, or cause the same to be done, or shall injure, mutilate, move, deface or destroy any pole, wire, converter, meter, lamp, or other apparatus, fixture or machinery of the city used in generating or distributing electric current, or meddle with or use the same, or shall in any way tamper or interfere with the meters used by the board in measuring and ascertaining the amount of water or electric current consumed, or shall perforate or bore, or cause to be perforated or bored any gas main or pipe belonging to the city, or cause to be made any connection or communication with any such main or pipe, or meddle with or use the same, or shall in any way injure or interfere with any machinery, apparatus, or fixture of the board used in connection with the water-works, electric plant, gas works, sewer system, or fire alarm of the city, the person so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars and the costs of prosecution, and shall also be sentenced to imprisonment in the county jail or in the Detroit House of Correction until such fine be paid, not exceeding ninety days. Any person who shall wilfully break or cut any inlet pipe, main, distributing pipe, log or aqueduct used by the board for conducting water or sewage, or shall dig into or break up any reservoir, filled or partly filled with water, or shall wilfully break any pumping engine, or any part thereof, or any of the machinery connected therewith belonging to the public works of the city, or cause any of said acts to be done, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State prison not more than five years, or by a fine not exceeding one thousand dollars and imprisonment in the county jail or in the Detroit House of Correction not more than one year.

Offenses against public works.

Fine.

Wilful offenses.

Penalty.

## TITLE XVII.

## FIRE PROTECTION.

Enact ordinances, etc.;  
create fire  
department.

SECTION 1. The common council shall have power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to create a fire department.

Fire engines,  
etc., purchase  
of.

SEC. 2. The council may, upon the recommendation of the board of police and fire commissioners, purchase and provide suitable fire engines, and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishing of fires. The council may also sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city, and make all necessary provisions for a convenient supply of water for the use of the department.

Wells and  
cisterns.

Buildings,  
erection of.

SEC. 3. The council may also, upon the recommendation of the board of fire and police commissioners, or upon their own initiative, when they shall deem it necessary, provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department.

Aid at fires.

SEC. 4. The fire marshal, mayor, chief of police, and any policeman, alderman or officer of the fire department may command any person present at a fire to aid in the extinguishing thereof, and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished; and in addition thereto the person so offending shall be punished in such manner as may be prescribed by the ordinances of the city.

Persons  
refusing.

Inspection of  
heating and  
lighting  
apparatus.

SEC. 5. The council may provide by ordinance for the examination and inspection from time to time by the city inspector, or such other city official as they may deem proper, of the stoves, furnaces, and all heating and lighting apparatus and devices in all the dwellings, buildings and structures within the city; also, for the examination and inspection of all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition.

Combustibles  
and explosives.

Wooden  
buildings.

SEC. 6. The council may prescribe, by ordinance, from time to time, limits or districts in the city within which wooden, veneered and iron-clad buildings and structures, and buildings and structures with shingle roofs, shall not be erected.

Repairing, etc.

placed, enlarged, or repaired; and to direct the manner of



constructing, enlarging or repairing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roof of any such buildings shall be constructed.

SEC. 7. The council may also prohibit within such places or districts as they shall deem expedient, the location of any factory or workshop, the prosecution of any trade or business, the keeping of lumber yards, and the storage of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings, and generally may pass, and enforce such ordinances and regulations as they may deem necessary, for the prevention and suppression of fires.

Suppression of fires.

Gunpowder, oils.

SEC. 8. Every building or structure which may be erected, placed, enlarged, repaired, or kept in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

Building, when declared nuisance.

SEC. 9. The fire marshal, with the concurrence of the mayor or any two members of the board of police and fire commissioners, or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in such building shall apply to the council, within three months after the fire, for damage or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in cases of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damage determined upon to be defrayed by a special assessment upon the property which, in their opinion, was protected or benefited by the destruction of such building; such special assessment and the enforcement and collection thereof shall in all respects be made and treated in accordance with the provisions of Title XXVII of the act to which this act is amendatory: *Provided*, That no damages shall be paid for the amount of any loss which would probably have occurred to such building if it had not been pulled down or destroyed.

Buildings destroyed in arresting fires.

Compensation for.

Damage, how ascertained.

Special assessment.

Proviso.

SEC. 10. The council may provide suitable compensation for any injury which any member of the police or fire department may receive to his person or property in consequence of the performance of his duty at any fire.

Compensation for injuries.

SEC. 11. The council may by ordinance prescribe such regulations to be observed by owners, masters and employes of steamboats and water craft as may be necessary for the

Fires, prevention of upon public waters.

prevention of fires upon any of the public waters within the city, and to prevent the communication of fire from such boats and craft, and may prescribe in such ordinance the manner of collecting any penalties imposed thereby.

## TITLE XXI.

### POUNDS.

Poundmaster,  
duty and  
compensation.

Penalties.

SECTION 1. The common council may provide and maintain one or more pounds within the city, and may appoint pound masters, prescribe their powers and duties, and fix their compensation; and may restrain, regulate or prohibit the running at large of horses, cattle, swine, and other animals, geese and other poultry, and may authorize the impounding of the same when found in the streets or otherwise at large, contrary to any ordinance of the city; and may impose penalties upon the owners or keepers thereof permitting the same; and if there shall be no pound or poundmaster, they may provide for the impounding of such horses, cattle, swine and other animals, geese and other poultry, by any member of the police force, in some suitable place under his immediate care and inspection.

## TITLE XXIV.

### STREETS AND PUBLIC GROUNDS.

Street dis-  
tricts.

Term "pav-  
ing" etc.,  
defined.

Expenses,  
how defrayed.

Special as-  
sessment.

SEC. 9. The council shall have the power to grade, pave, gravel, curb, sprinkle, clean and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the city into street districts, or special street districts, for the purpose of special assessment. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing, and the terms "improve" or "improvement" shall be deemed to include the sprinkling and cleaning of streets.

SEC. 10. Such part of the expense of improving any street, lane or alley, by grading, paving, planking, graveling, curbing, sprinkling, cleaning, or otherwise, and of repairing the same, as the council shall determine, may be paid from the general street fund, or from the street district fund of the proper street district, or in part from each; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessment upon the lots and premises included in a special assessment district to be constituted of the lands abutting upon that part of the street or alley so improved or proposed so to be; or constituted of lands abutting upon such improve-

ment, and such other lands as in the opinion of the council may be benefited by the improvement.

## TITLE XXVI.

### APPROPRIATION OF PRIVATE PROPERTY.

SEC. 6. Said summons shall be served by the sheriff or any constable of the city, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian, the justice may appoint some discreet and proper person to be guardian ad litem of such person in such proceedings, and such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance and require as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued, and the justice may adjourn the proceedings from time to time, as there shall be occasion, and as in other civil cases. Service for such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service of the publication of the order for appearance, if any, shall be filed with such justice before a jury shall be impaneled, and be sufficient evidence of service on the respondents and of the manner of service.

Summons,  
service of.

Minors, etc.

Guardian.

Summons,  
alias and  
pluries.

Return.

Order for  
jury.

How se-  
lected, etc.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the justice shall make an order that a jury be impaneled in the case. Such jury shall be composed of twelve freeholders of the municipality and shall be selected and impaneled as follows: The sheriff or any constable of such city shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of the city, and the city attorney and the respondents collectively shall each have the right to strike six names from the list of persons written down as aforesaid, and, subject to objection for cause, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at not less than three nor more than ten days from the date of selecting such jury, by a venire issued by him and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the justice, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this title, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justice courts relative to jurors in civil cases in such courts, except that peremptory challenges shall not be allowed.

## TITLE XXVII.

### COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

Board of  
assessors.

Compensation.

SEC. 2. There shall be a board of assessors in and for said city, consisting of the city engineer and the two supervisors. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, the council shall appoint some other person to act in his stead in making such assessment, who, for the purpose of that assessment, shall be a member of the board.

Special as-  
sessment;  
what may in-  
clude.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and costs of execution and construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed fifty per cent of the value of such lot or land, as valued and assessed in the annual assessment

roll for the current year; any cost exceeding that per cent, which would otherwise be chargeable on such lot or premises, shall be paid from the general fund of the city.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, except as herein otherwise provided, and shall be a charge against the person to whom assessed until paid. Lien against lots, etc.

SEC. 31. All depot grounds and buildings, roadbeds, right of way in and across the streets and avenues of the city, and other premises within the corporate limits of the city, belonging to any railroad operated by steam, electric or other motive power, or to any railroad corporation, which are necessarily used in the operating of said railroads, and the person, company or corporation owning the same are liable for all valid unpaid assessments for local or public improvements or repairs hereafter made within the city and assessed against the same; but no lien shall attach thereon on account of such assessments, and the payment of such assessments shall not be enforced and collected by sale of said property. Special assessments of such classes of property shall be made in the same manner as the special assessment of other property under the provisions of this title for local or public improvements, and the assessment roll for such local or public improvement taxes shall be prima facie evidence in any court of the regularity of all proceedings leading up to the assessment and the making of said roll. Unpaid assessments against railway property.  
  
Lien, not to attach.  
  
Evidence, prima facie.

SEC. 32. All special assessments made as aforesaid against the property of railroad companies, and against the owners thereof, for local or public improvements, and all installments thereof, together with the interest, costs and charges thereon for enforcing the collection of the same, are hereby made and declared legal demands against each and every one of said railroad or railway corporations or companies against whose property such special assessments are made in favor of the city of Holland; and if any such railroad or railway corporations or companies shall fail to make payment thereof within the time payment is required of such special assessments under the roll in which they are extended, then the city of Holland may institute an action in assumpsit or other proper legal action in any court of competent jurisdiction against the owner or owners of said properties, as provided in section twenty-nine of this title; and if judgment be rendered thereon in favor of the city of Holland, the same may be collected on execution out of any property of said railroad or railway corporations or companies liable to levy and sale on execution. Assessments declared legal demand.  
  
Action, when instituted.  
  
Judgment, collection of.

## TITLE XXVIII.

## FINANCE AND TAXATION.

Revenues,  
etc., divided.

SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

Street dis-  
trict fund.

First, A street district fund, for each street district, for defraying the expenses of grading, improving, repairing, and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon the street district;

District sewer  
fund.

Second, A district sewer fund for each main sewer district, for the payment of the costs and expenses of sewers and drainage in and chargeable to the main sewer district, when the city shall be divided into such districts;

Special as-  
sessment  
funds.

Third, Special assessment funds; any money raised by special assessment levied in any special assessment district or special sewer district to defray the expenses of any work, paving, improving, sprinkling, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised.

Additional  
assessments.

SEC. 8. In addition to the above amounts the council may raise by special assessments in sewer districts and special assessment districts, for the purpose of grading and paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year for any one improvement fifty per cent on the assessed valuation of any lot or premises in any such sewer district, or special assessment district, as the case may be, in accordance with provisions of section five, title twenty-seven of the act of which this act is amendatory.

Bonds for  
street im-  
provement.

SEC. 18. The council shall also have authority to raise moneys by loan in anticipation of the receipts from special assessments for the purpose of defraying the costs of the improvement for which the assessment was levied, and issue the bonds of the city therefor, bearing interest at a rate not exceeding six per cent per annum, with interest coupons attached, both principal and interest of such bonds to be paid out of the fund established in connection with such improvement: *Provided*, That such loan shall not exceed the amount of the assessment for the completion of the whole work. Or, for the purpose of meeting such costs of improvement, in anticipation of the collection of assessments and taxes to defray the expense and costs thereof, as above provided, the common council may, by resolution, authorize the borrowing of a sum

Proviso, issue  
limited.

of money equal to the amount of the cost of the whole improvement and not exceeding fifty thousand dollars in any one year, and to issue the bonds of the city therefor, bearing interest at a rate not exceeding six per cent per annum, with interest coupons attached. Said bonds shall be made payable in equal amounts each year for a period not exceeding five years from the time of issuing them. Said bonds shall be called "Street Improvement Bonds," and the same shall not be sold for less than par. The proceeds of said bonds shall be paid to the city treasurer and placed to the credit of the Street Improvement Bond Fund, which fund is hereby created and established. Such bonds shall be paid at maturity and shall not be reissued or refunded.

Maturity.

Bonds designated.

When paid.

## TITLE XXIX.

### ASSESSMENT AND COLLECTION OF TAXES.

SEC. 5. The supervisors of the several districts, the mayor, city attorney, and one member to be appointed annually by the common council, shall constitute a board of equalization and review of the general assessment rolls of the several districts of the city, three of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall have power, and it shall be their duty, to examine said assessment rolls and they shall have authority to, and shall correct any errors or deficiencies found therein, either as to the names, valuations or descriptions; and of their own motion, or on cause shown, may reduce or increase the valuation of any property found on said rolls, and to add thereto any taxable property in said city that may have been omitted, and to value the same; and to strike from said rolls any property wrongfully thereon, and generally to perfect said rolls in any respect by said board deemed necessary and proper, for which services each member of said board shall receive three dollars per day. If on such examination they shall deem the valuations of the several supervisor districts to be relatively unequal, they shall equalize the same by adding to or deducting from the total valuation of the taxable property in any district such an amount as, in their judgment, will produce relatively an equal and uniform valuation of the real estate in the city; and the amount added to or deducted from the total valuation in any supervisor district shall be so stated in the certificate attached to the assessment roll of such district; and all taxes for State, county, school, general city and sewer purposes shall be apportioned according to said equalization, in the manner hereinbefore provided; and such equalization shall not be changed with regard to the relative valuation of the several districts of the city: *Provided*, That in equalizing the assessed valuation of all the real and personal estate of the county the board

Board of equalization and review.

Errors, etc., correction of.

Equalization.

Proviso, cit. as unit.

of supervisors of the county of Ottawa shall equalize the city of Holland as a unit, the same as the several townships of the county are equalized.

Notice given  
on receipt of  
tax rolls;  
when per cent  
charged.

SEC. 15. Upon receiving the several district tax rolls as above provided, the city treasurer shall give notice immediately to the taxpayers of the city that such rolls have been delivered to him, and that the taxes therein levied can be paid to him at his office, at any time before the first day of January then next, without any charge for collection, but that five per cent collection fees will be charged and collected upon all taxes remaining unpaid on said first day of January. Said notice shall be given by publishing the same twice in one of the newspapers of the city, and by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the treasurer to be at his office at such times, previous to said first day of January, as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall remit the collection fees upon all taxes paid to him before the said first day of January; but in all other cases he shall collect both the tax and percentage for collection added in the roll. All such percentage for fees collected by him shall be placed into the city treasury to the credit of the general fund. The treasurer shall, on or before the first Monday in January of each year, make and file with the city clerk a sworn statement, setting forth the total amount of taxes collected by him on the several district tax rolls of the city prior to the first day of January, and also the total amount of taxes remaining unpaid on said date.

Publication  
of notice.

Fees, when  
remitted.

Return  
statement.

This act is ordered to take immediate effect.

Approved March 14, 1907.

[No. 418.]

AN ACT to amend sections two, nine and ten of chapter fourteen, section three of chapter nineteen, and section ten of chapter twenty-six of an act, entitled "An act to incorporate the city of Flint and repeal all acts and parts of acts inconsistent herewith," approved March twenty-one, nineteen hundred one, as amended by act number three hundred seventy-two of local acts of nineteen hundred three, and as amended by act number four hundred twenty of local acts of nineteen hundred five, and to repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

Sections  
amended.

SECTION 1. Sections two, nine and ten of chapter fourteen, section three of chapter nineteen and section ten of chapter



twenty-six of an act, entitled "An act to incorporate the city of Flint and repeal all acts and parts of acts inconsistent herewith," approved March twenty-one, nineteen hundred one, as amended by act number three hundred seventy-two of local acts of nineteen hundred three, and as amended by act number four hundred twenty of local acts of nineteen hundred five, are hereby amended so as to read as follows:

#### CHAPTER XIV.

SEC. 2. The council shall be the judge of election, returns and qualifications of its own members; it shall prescribe the rules of its own proceedings and keep a record or a journal thereof; all votes on appointments to office and measures incurring expense and on the adoption of all ordinances shall be taken by ayes and nays and be so entered upon the journal as to show the names of those voting in the affirmative and those voting in the negative. Any one member of the council shall have the right to demand the ayes and nays on any question, and all votes so given shall be entered at large on the journal. Within one week after any meeting of the council, all the proceedings and votes taken thereat shall be published in a daily newspaper printed and circulating in said city, providing a contract may be made with the publishers of such newspaper for such printing at a rate not exceeding the rate fixed by section eleven thousand two hundred thirty-five of the Compiled Laws of eighteen ninety-seven.

Council,  
power and  
proceedings of.

Ayes and  
nays, right to  
demand.

Publication  
of proceedings.

SEC. 9. Whenever the common council shall by resolution determine that it is expedient for said city to issue bonds to acquire by purchase or to construct, as the case may be, works for the purpose of supplying said city and the inhabitants thereof, or either, with water or with electric lights or gas, or to construct suitable buildings for a city hall or fire station and to furnish and equip the same, or to defray the expense of pavements, sewers or other public works, the council shall direct the city engineer to cause to be made and recorded in the clerk's office, an estimate of the expense thereof, and he shall submit the same to the common council; the question of bonding said city for said purpose shall be submitted to the electors of the city at its annual or at any regular election or at a special election called for that purpose by the council, as provided in section three of chapter nineteen of said act, and shall be determined as the majority of the electors, voting upon such question by ballot, shall decide. The council shall have power to fix the time and place of payment of the principal and interest of the debt or debts contracted under the provisions of this section, but the rate of such interest shall not exceed five per cent. per annum, and such bonds shall not be sold for less than their par value and all bonds hereafter to be issued by the city of Flint, for the

Bonds for  
electric lights,  
water, etc.

Question of  
bonds sub-  
mitted.

Council may  
fix time and  
place of  
payment.

Inter

raising of money for any purpose whatever, shall be exempt from any and all local city taxation under the laws of the State of Michigan: *Provided, however,* That the common council may issue bonds in an amount not exceeding five thousand dollars in any one year for the purpose of raising money to provide for extensions of the water works system now owned by the city of Flint, whenever such extensions shall be recommended by the board of water commissioners upon their estimate, showing that such water works extensions will yield an annual revenue of not less than six per cent. of the cost thereof: And, *Provided, further,* That the amount of bonds to be issued for the erection and equipping of a city hall and fire station shall at no time exceed the sum of one hundred thousand dollars: And, *Provided, further,* That the total bonded indebtedness of the city of Flint, exclusive of school bonds, shall at no time exceed five per cent. of the assessed valuation of the property, real and personal, in said city.

Proviso,  
extensions.

Further proviso,  
city hall, etc.

Further proviso.

Council may  
pass ordinances for  
what purposes.

SEC. 10. The common council, in addition to the duties specially conferred upon them in this act, shall have power within said city to enact, continue, establish, modify, annul and repeal such ordinances, by-laws, and regulations as they may deem desirable within said city for the following purposes:

Good order,  
etc.

First, To prevent vice and immorality, to preserve public peace and good order, to organize, maintain and regulate a police force of the city, to prevent and quell riots, disturbances and disorderly assemblies, to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

Disorderly  
houses.

Second, To prevent, restrain and suppress all disorderly houses and places, houses of ill-fame, assignation houses, and to punish the keepers thereof and dwellers therein and all who resort thereto for purposes of prostitution, or to associate with prostitutes;

Gaming.

Third, To prohibit, restrain and prevent persons from playing for money or other valuable things with cards, dice, wheels of fortune, boxes, machines or other instruments or devices whatsoever in any saloon, bar-room, grocery store, shop or in any other places in said city, to punish the persons keeping the place, instruments, devices or means of such gaming, and to provide for and compel the destruction of such instruments, machines or other devices whatever, used or intended to be used for gaming, as aforesaid;

Spirituuous  
liquors.

Fourth, To prohibit the selling or giving of any spirituuous, fermented, or intoxicating liquors to any drunkard or intemperate person, or any minor or apprentice;

Sabbath  
desecration.

Fifth, To prevent the violation of the Sabbath, the disturbance of any religious congregation, or any other meeting assembled for any lawful purpose;

Sixth, To prohibit and prevent in the streets or elsewhere in said city, any lewd and lascivious behavior, or any indecent exposure of the person, the show, sale or exhibition for sale of any indecent or obscene pictures, drawings, engravings, paintings, books or devices, or any written or printed or other thing containing obscene, scurrilous or scandalous matter, and all indecent or obscene exhibitions and shows of every kind;

Indecency.

Seventh, To prohibit or prevent any person from bringing, depositing or leaving within the limits of said city, or within one-half mile distant therefrom, or keeping or having on the premises owned or occupied by them in said city, any dead carcass, putrid or unsound meat, fish, hides, skins, or any article, substance or thing that is unwholesome or offensive, or the trying or rendering any unwholesome, putrid or offensive tallow, lard or meats in said city, and to authorize the removal or destruction thereof by some officer of said city; or to compel any person so bringing, depositing, or leaving the same within the limits of said city, or within one-half mile therefrom, or having or keeping the same on the premises owned or occupied by them in said city, to remove the same; to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city, and to direct the location of all slaughter houses and markets;

Unwholesome, offensive substance.

Eighth, Concerning the buying, carrying, selling, storing and using of dynamite, gunpowder, or other combustible materials, and the exhibition of fireworks, the use of lights in barns, stables and other buildings, and to regulate or prohibit the discharge of firearms within the limits of the city, or the making of bonfires in streets or yards;

Explosives, fireworks, bonfires.

Ninth, To prevent and punish horse racing and immoderate riding or driving in any street or alley, and to authorize the stopping and detaining of any person who shall be guilty of immoderate riding or driving in any street or alley in said city;

Immoderate riding or driving.

Tenth, To provide for or to compel cleaning the highways, streets, lanes, alleys, public grounds, crosswalks and sidewalks of said city of dirt, filth, snow and other substances; to prohibit and prevent the encumbering thereof with boxes, signs, posts and all other materials and things whatsoever, and to remove the same therefrom and to prevent any encroachments upon any streets, and to provide for the removal of such encroachments; to prevent the exhibition of signs upon canvas, or otherwise, in or upon any vehicle, standing or traveling upon any streets or public grounds of said city; to control, prescribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs and articles of merchandise therefrom; to prohibit and

Relative to streets.

prevent all practices, amusements and doings having a tendency to frighten horses and teams, or that are dangerous to life, person or property; to remove or cause to be removed all walls and other structures that may be liable to fall so as to endanger life and property; to control, regulate and prescribe the manner in which the highways, streets, lanes, alleys, public grounds and spaces within the city, shall be used and enjoyed. To regulate, restrict or prohibit the use of bicycles and tricycles upon any and all sidewalks in the city of Flint; to limit the speed at which bicycles, tricycles or any other vehicle propelled by hand or foot, or both, may be used in the streets;

Railroad and  
street cross-  
ings.

Eleventh, The common council shall have power to provide for and change the location and grade of street crossings of any railroad track and to compel any railroad company or street railway company to raise or lower their railroad track to conform to street grades, which may be established by the city from time to time, and to construct street crossings in such manner and with such protection to persons crossing thereat as the council may require, and to keep them in repair. Also to determine and designate the routes and grades of any railroad track to be laid in said city and to prevent the changing of any such grade at any street crossing without the consent of the council, and to restrain and regulate the use of locomotives, engines and cars, and the shunting and switching thereof on or across any of the streets, lanes or alleys in said city upon any of the railroads within said city. Also to require and to compel railroad companies to keep flagmen and watchmen at all railroad crossings of streets and to give warning of the approach and passage of trains thereat, and to light such crossings during the night, and to regulate and prescribe the speed of all locomotives, railroad trains and street railway cars within said city, but such speed shall not be required to be less than five miles per hour, and to impose a fine of not less than five or more than one hundred dollars upon the company and upon any engineer or conductor violating any ordinance regulating the speed of trains;

Drains, cul-  
verts, etc.,  
along railroad.

Twelfth, The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair such ditches, drains, sewers and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform such regulations according to the direction of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at a suit of the city against the company in a civil action before any court having jurisdiction of the cause;

Thirteenth, To preserve the salubrity of the waters of the Flint river and other streams within the limits of said city; to prohibit or regulate bathing therein, and to provide for cleansing the same of driftwood and other obstructions; to fill up all low ground or lot covered or partially covered with water within the limits of said city, or to drain the same, as they may deem expedient;

Relative to  
Flint river  
and other  
streams.

Fourteenth, To prohibit, restrain, license and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other performances, and exhibitions for money;

Shows and  
exhibitions.

Fifteenth, To restrain and punish drunkards, vagrants, street beggars and other disorderly persons;

Vagrants, etc.

Sixteenth, To employ all persons imprisoned for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act, or any ordinance of the common council of the city of Flint, in a city lockup or in the jail of Genesee county, at work or labor upon the streets of said city, or any public work under the control of said council;

Labor of  
prisoners.

Seventeenth, To prohibit and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing, or aiding in the management and practice thereof;

Mock  
auctions.

Eighteenth, To license auctioneers, auctions and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction, upon the streets, alleys or public grounds in said city; to regulate or prohibit the sale of goods, wares, property or anything at auction, or by the manner of public biddings, or offers by the buyer or seller after the manner of auction sales or Dutch auctions, and to regulate the fees to be paid by auctioneers, but no license shall be required in cases of sales required by law to be made at auction or public vendue;

Auctioneers.

Nineteenth, To prohibit and suppress the sale of every kind of unsound or unwholesome meat, poultry, fish, vegetables or other articles of food and provision, and to punish all persons who shall knowingly sell the same or offer or keep the same for sale;

Unwholesome  
food.

Twentieth, To provide for the inspection and sealing of weights and measures, and to enforce the keeping of proper weights and measures by vendors;

Weights and  
measures.

Twenty-first, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to said city from any other place any pauper or other person likely to become a charge upon said city or on the public, and to punish therefor;

Paupers.

Twenty-second, To provide for the burial of strangers and poor deceased persons;

Burial of  
strangers.

Twenty-third, To protect all public graveyards within the city limits or adjacent thereto belonging to said city, and all grounds procured, or that may be procured, for the purpose of public burial, and to compel the keeping and returning of

Cemeteries.

- Proviso. bills of mortality, and may cause the same to be vacated and the remains of persons buried therein to be removed under such restrictions and regulations as they may prescribe: *Provided*, No burial ground shall be vacated until the question of vacating the same shall be submitted to and approved by a vote of the electors of said city, at some special election to be held at such time and conducted in such manner as the common council shall prescribe;
- Parks. Twenty-fourth, To provide for public parks and squares; make, grade, improve and adorn the same; to care for all grounds in said city belonging to or under the control of said city, and to regulate and use the same consistently with the purposes and objects thereof;
- Street lines. Twenty-fifth, To regulate and establish the line upon which buildings may be erected on any street, lane or alley of said city, and to prevent such buildings being erected nearer the street than said line;
- Public markets. Twenty-sixth, To establish, order, and regulate the markets, and to prohibit forestalling the same, to regulate the vending of wood, meats, vegetables, fruits, fish and provisions of all kinds, and prescribe the time and place for selling the same;
- Pounds. Twenty-seventh, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, or other animals, geese, poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding;
- Dogs. Twenty-eighth, To prevent or regulate the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets;
- Bells, street noises. Twenty-ninth, To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;
- Street lighting. Thirtieth, Concerning the lighting of the streets and alleys, and the protection and safety of public lamps;
- Water. Thirty-first, To establish, regulate and preserve public reservoirs, wells and pumps; to provide an adequate supply of water for fire purposes, for lawn and street sprinkling, and also of water fit for domestic use, and to prevent the waste of water;
- Cartmen, omnibus drivers, etc. Thirty-second, To adopt rules and regulations for cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license;
- Soliciting passengers. Thirty-third, To prevent runners, stage drivers and others from soliciting passengers and others to travel or ride in any stage, omnibus, or railroad, or to go to any hotel or otherwise;
- Hawkers, pawnbrokers. Thirty-fourth, To license, regulate and restrain hawking and peddling in the streets; to license and regulate pawnbrokers and auctioneers;

Thirty-fifth, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city, and to regulate the sale thereof;

Carriage stands, rates of fare.

Wood, hay, etc.

Thirty-sixth, To prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same in cases not otherwise provided for by law;

Bonds and sureties.

Thirty-seventh, To suppress, restrain, license and regulate saloons and other places where intoxicating and spirituous liquors or malt, brewed, fermented, or vinous liquors are sold, or kept for sale, and to regulate and prescribe the location thereof; to forbid or prevent the vending or other disposition of any intoxicating liquors in violation of any laws of the State, and to limit the number of saloons or other places, except drug stores, where any spirituous, malt, brewed, fermented or vinous liquors are sold in said city, to any number not less than one of such saloons or place for every one thousand inhabitants of said city, or major fraction thereof, as shown by the last State or National census: *Provided*, That the number of saloons or other places where spirituous, malt, brewed, fermented, vinous or intoxicating liquors are sold in said city shall not exceed twenty-nine, until such time as the population of said city of Flint shall have increased to twenty-nine thousand five hundred, as shown by the then last State or National census, and all bonds of persons engaged in the sale of any spirituous, malt, brewed, fermented, vinous or intoxicating liquors in said city of Flint, except druggists, as required by section eight of chapter five thousand three hundred eighty-six of the Compiled Laws of the State of Michigan of eighteen hundred ninety-seven, may be executed by the principal, together with the surety company qualified to act as surety or guarantor as provided by law in other cases;

To license saloons, etc.

Proviso, number of saloons.

Druggists.

Thirty-eighth, To prescribe the powers and duties of all the officers of said city, except as herein otherwise provided, and their compensation and the fines and penalties for their delinquencies;

Powers and duties of officers.

Thirty-ninth, The common council shall have power to provide for, or to construct and maintain a city jail or lockup, and to provide by ordinance or resolution for the control and management of the same and the confinement of persons therein;

City jail.

Fortieth, To establish fire limits within which no wooden buildings or structures shall be erected, enlarged or placed; to prescribe the manner of constructing and to designate the materials to be used in the outer walls and roofs of buildings in such limits, to compel the construction and maintenance of proper fire escapes with the view of protection against fires and loss of life; also to provide by ordinance for inspecting and licensing the erection or alteration of all buildings within the limits of the city of Flint;

Fire limits.

Buildings, manner of construction.

Automobiles.	Forty-first, To regulate and control the running or operating of automobiles, or self-propelling machines, or vehicles upon or along the streets, lanes and alleys of the city;
Control over streets, etc.	Forty-second, The common council is hereby invested with full power and control over any and all streets, lanes, alleys and public places within the city, and said council may provide for the repair and improvement of the same in such manner and with such material as it shall determine to be for the best interests of the city, and all taxes and assessments for highway and street purposes shall be expended thereon as the
Inspection of.	common council shall order and direct. The council shall provide adequate and careful inspection of said streets, lanes, alleys and public places, and all sidewalks and crosswalks therein, and keep the same and all parts thereof in repair;
Nuisances.	Forty-third, To prohibit, prevent, regulate, abate nuisances of every kind, and to declare what shall be considered nuisances, and to compel the owner or occupant of any factory, building, smokestack, chimney, grocery, provision store, tallow chandler shop, butcher's stall, slaughter house, market, soap factory, tannery, stable, junkshop, privy, privy vault, cesspool, hogpen, sewer, or other unwholesome house or place, to cleanse, remove, or abate the same from time to time as they may deem necessary for the health, comfort and convenience of said city;
Ordinances for good of city.	Forty-fourth, And further, they shall have authority to enact all ordinances, and to make all such regulations consistent with the laws and constitution of this State, as they shall deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof;
Exclusive rights not to be granted.	but no exclusive rights, privileges, or permits shall be granted by the council to any person or persons or to any corporation for any purpose whatever. For the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance made by them that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail or city lockup for a term not exceeding three months, or by both such fine and imprisonment in the discretion of the justice or court that shall try the offender: <i>Provided</i> , The right of trial by jury, when demanded, shall in all cases be preserved, and also the right of appeal, according to the general laws of this State.
Penalties may be prescribed.	
Proviso, jury trial preserved.	

## CHAPTER XIX.

Election, when called. SEC. 3. Whenever the common council shall deem it necessary to raise a greater sum in any one year, exclusive of school taxes, than the amount specified and limited in the preceding section, they may call a special election of the electors of said



city by notice published in the newspapers published in said city once in each week for two weeks in succession, which notice shall state the time and place of such election and the purpose for which the money to be raised is to be expended, and the electors voting at such election in pursuance of said notice, shall, by ballot in such manner as the common council may by ordinance or by law prescribe, determine what amount of money shall be raised for each object specified in the notice: *Provided*, That the tax also voted by the electors shall not in any year exceed one per cent. upon the valuation of the real and personal property taxable within said city: And, *Provided, also*, That not more than two such special elections shall be called in any one year: And, *Provided, further*, That the expense of publication of each notice in each newspaper shall not exceed seventy cents per folio for the first insertion and thirty-five cents per folio for the second insertion, and it need not be published except in such newspapers in said city as will publish it for the price above specified.

Notice given.

To be by ballot.

Proviso, not to exceed 1 %.

Proviso, elections limited. Further proviso, expense of notice published.

## CHAPTER XXVI.

SEC. 10. No contract shall be made or liability incurred for or on behalf of the city by the common council, city officers, its agents, boards, or employes, for any material, labor, work, repairs or improvements except as herein otherwise provided, the payment for which would be a proper charge against any city fund of said city unless there shall be in such fund to pay therefor sufficient money not otherwise expended, or liability therefor incurred, payable therefrom; nor shall any expenditure be made or liability incurred during any fiscal year for any such material, labor, work, repairs or improvements in excess of the money appropriated therefor. All contracts made and entered into by said city, and all liability incurred by the common council, city officers, its agents, boards, or employes for or on behalf of said city, for materials, labor, work, repairs or improvements, except as herein otherwise provided, the payment for which would be a proper charge against any of said funds, in excess of the money appropriated for such fund, shall be null and void: *Provided*, That nothing herein shall prevent the common council from making contracts and incurring liabilities for the repair or construction of bridges within said city, in anticipation of funds to be thereafter raised by tax for that purpose: And *Provided, further*, That in the construction of any public improvements, the expense of which it has been determined by the common council shall be assessed in whole or in part against the owners or occupants of property specially benefited thereby, a contract for the construction of such public improvements may be entered into when the portion of the expense to be borne by the city if any, has been paid into

Contracts not to be made in excess of funds.

When null and void.

Proviso, repairing, etc., of bridges.

Further proviso, special assessments for improvements.

Further  
proviso.

May raise  
money in an-  
ticipation of  
receipts.

Transfer of  
funds.

the fund chargeable with such contract, and the special assessment rolls assessing that portion of the expense determined to be assessed against the owners or occupants of the property specially benefited, shall be duly made, confirmed, and placed in the hands of the city treasurer for collection: And *Provided, further*, No such work or improvement shall be paid for except from the proceeds of the tax or assessment thus levied, or from the proceeds of loans made in anticipation of the collection of such tax. The common council shall have power to raise moneys in anticipation of the receipts from special assessments, for which the assessment was levied, such loans not to exceed the amount of the assessment for the construction of the whole work, and the common council may borrow from the general fund of said city in anticipation of the issuance of sidewalk bonds, the sum so borrowed from such general fund to be repaid and returned upon the issuance and sale of said sidewalk bonds, such temporary transfer of funds to continue for a period not exceeding the end of the fiscal year.

All acts and parts of acts inconsistent herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved March 15, 1907.

[No. 419.]

AN ACT to authorize school district number six, fractional, of the township of Seneca, county of Lenawee and State of Michigan, to borrow money and issue bonds therefor in the sum of thirty-five thousand dollars, to be used to purchase a site or additional grounds for a new school building and for building a new school building and furnishing and equipping the same.

*The People of the State of Michigan enact:*

Authority to  
bond, amount  
form, etc.

SECTION 1. School district number six, fractional, of the township of Seneca, county of Lenawee and State of Michigan, is hereby authorized and empowered to borrow on the faith and credit of said school district a sum of money not to exceed thirty-five thousand dollars, and to issue bonds therefor for a term not exceeding thirty-five years in all from date of issue, said bonds to be serial, and at a rate of interest not exceeding five per cent. per annum, payable annually, at such place or places as the board of trustees of said school district may determine, and to issue the bonds of said district therefor in such denominations and each bond to become due in such a time, not exceeding thirty-five years in all, as the board of

trustees may by a majority vote of all the members thereof elect determine: *Provided, however,* That no such bonds shall be sold for less than par value: And, *Provided, further,* That no such bonds shall be issued or money borrowed for the purpose of purchasing a site or additional grounds for a new school building and for building a new school building and furnishing and equipping the same, until the question of borrowing such sum of money and issuing of said bonds therefor shall first be submitted to a vote of the electors of said school district, qualified under the laws of the State of Michigan to vote on questions which directly involve the raising of money by tax for said school district, present at any annual or special meeting called and appointed by the board of trustees of said school district for the purpose of voting thereon, and unless the borrowing of such sum of money and the issue of said bonds therefor shall be authorized by the affirmative vote of a majority of such qualified electors voting upon such proposition at such meeting.

Proviso, par value.  
Further proviso, submission to electors.

Sec. 2. The board of trustees of said district shall submit the question of making such loan and issuing said bonds to the electors mentioned in section one of this act, at any annual meeting of said district or at any special meeting called by said board for the purpose of voting on such proposition, and public notice of such meeting, which shall contain a statement of the time, place and object thereof, shall be given by said board of trustees by causing copies of such notices to be posted in at least five public places in said district not less than six days before the time of such meeting, and one of said five notices to be posted on the front door of the main school building of said district: *Provided,* That if said question be submitted during the year nineteen hundred seven and fail of endorsement, the same question may again be submitted in like manner during the year nineteen hundred eight; and if a majority of the voters voting thereon vote "Yes" at said election in nineteen hundred eight, said money may be borrowed and said bonds may be issued, otherwise not: *Provided,* That if said question does not carry in nineteen hundred seven or nineteen hundred eight, the same question may be again submitted in like manner during the year nineteen hundred nine; and if a majority of the voters voting thereon vote "Yes" at said election in nineteen hundred nine, said money may be borrowed and said bonds issued, otherwise not.

Question, when submitted.

Notice, what to contain.

Proviso, re-submission.

Proviso, re-submission.

Sec. 3. At any such annual meeting, or at any special meeting provided for in section two of this act, at which the proposition of borrowing said money and issuing said bonds may be submitted to the electors of said district, the moderator and treasurer of said school district and one qualified elector thereof, to be appointed by said school board of said school district, shall constitute a board of inspectors and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open for three hours after the time fixed for the meeting, in the notices thereof, said

Board of inspectors; members of, duty, etc.

Ballot, form  
of.

meeting to be held in said school district at the place said board of trustees shall designate in the notices posted of said meeting. The vote upon such proposition shall be by ballot, either printed or written or partly printed and partly written, and the proposition each time a vote is taken, stating the sum to be borrowed and the bonds to be issued therefor, shall be stated upon the ballots in the following form:

"For borrowing the sum of.....dollars and issuing the bonds of school district number six, fractional, of the township of Seneca, Lenawee county, Michigan, therefor at not to exceed five per cent. interest per annum, the same to be serial bonds, each bond to be for such an amount and to run for such a length of time as the board of trustees of said district shall determine, the whole issue to be due within thirty-five years from the date of issuance, to be used to purchase a site or additional grounds for a new school building in said district and for building said new school building and equipping and furnishing the same.—Yes."

"For borrowing the sum of.....dollars and issuing the bonds of school district number six, fractional, of the township of Seneca, Lenawee county, Michigan, therefor at not to exceed five per cent. interest per annum, the same to be serial bonds, each bond to be for such an amount and to run for such a length of time as the board of trustees of said district shall determine, the whole issue to be due within thirty-five years from the date of issuance, to be used to purchase a site or additional grounds for a new school building in said district and for building said new school building and equipping and furnishing the same.—No."

Separate  
ballot box,  
canvass.

And the ballots shall be deposited in a separate ballot box provided for the purpose. At the closing of the polls the inspectors shall at once canvass the ballots and at the close of said canvass publicly declare the result thereof, and a record of the same shall be made in the school district records.

Board of  
trustees to  
issue bonds.

SEC. 4. If at such meeting a majority of such qualified electors present thereat and voting upon such proposition shall vote in favor of such loan and issuing said bonds therefor, the board of trustees of said district shall thereupon be authorized to borrow not to exceed the sum of thirty-five thousand dollars and to issue the bonds of said district therefor, which bonds shall be executed in such proper form and by such officers of the board as the board of trustees of said district shall direct, and the said bonds may be disposed of from time to time in such quantities as said board of trustees may deem necessary.

Money, how  
applied.

SEC. 5. The money borrowed under the provisions of this act shall be applied as follows, viz.: To purchase a site or additional grounds to erect a new school building on, in said district, to erect a new school building and to furnish and equip the same.

Tax levy,  
etc.

SEC. 6. It shall be the duty of said board of trustees of school district number six, fractional, of the township of Sen-

eca, to provide by tax upon all taxable property in said school district, or from any fund it may have on hand not otherwise appropriated, for the payment of said amount borrowed, not to exceed thirty-five thousand dollars and interest upon all bonds issued under authority of this act, and said board of trustees of said school district is hereby authorized to raise by tax in each year, in addition to all other school taxes, a sum sufficient to provide for the payment of any bond or bonds that may become due that year and to provide for the payment of the interest on said bonds.

SEC. 7. It is the intent and the purpose of this act to enable and empower the said school district number six, fractional, to raise and realize the sum of any amount not to exceed thirty-five thousand dollars, and no more than thirty-five thousand dollars, to purchase site or additional grounds for a new school building and to build a new schoolhouse and furnish and equip the same, and all sections of the general school law of this State, inconsistent with the provisions of this act, are and the same shall be inoperative as to said district, but all sections of the general school law of this State, not inconsistent with the provisions of this act, are and the same shall be and remain in full force in said district. Intent of act.

This act is ordered to take immediate effect.

Approved March 19, 1907.

[No. 420.]

AN ACT to authorize the city of South Haven to borrow money and issue bonds therefor, for the purpose of building and improving docks and for the improvement of its river and harbor, and to provide for the payment thereof.

*The People of the State of Michigan enact:*

SECTION 1. The council of the city of South Haven is hereby authorized and empowered to borrow such sum or sums of money, at such times as to it shall seem advisable, not exceeding in the aggregate fifty thousand dollars, on the faith and credit of said city, and issue the negotiable coupon bonds of said city therefor, payable at such time or times, not exceeding twenty years from the date thereof, as said council shall decide and at a rate of interest not exceeding five per cent per annum, for the purpose of building and improving docks and for the improvement of its river and harbor: *Provided*, The council of said city by a two-thirds majority vote shall decide to issue such bonds: And *Provided further*, That said council before borrowing any of said sums of money or issuing any of said bonds shall be first authorized so to do Bonds for building docks, etc.

Proviso, two-thirds majority of council. Further proviso.

Ballot, form of.

meeting to be held in said school district at the place said board of trustees shall designate in the notices posted of said meeting. The vote upon such proposition shall be by ballot, either printed or written or partly printed and partly written, and the proposition each time a vote is taken, stating the sum to be borrowed and the bonds to be issued therefor, shall be stated upon the ballots in the following form:

"For borrowing the sum of.....dollars and issuing the bonds of school district number six, fractional, of the township of Seneca, Lenawee county, Michigan, therefor at not to exceed five per cent. interest per annum, the same to be serial bonds, each bond to be for such an amount and to run for such a length of time as the board of trustees of said district shall determine, the whole issue to be due within thirty-five years from the date of issuance, to be used to purchase a site or additional grounds for a new school building in said district and for building said new school building and equipping and furnishing the same.—Yes."

"For borrowing the sum of.....dollars and issuing the bonds of school district number six, fractional, of the township of Seneca, Lenawee county, Michigan, therefor at not to exceed five per cent. interest per annum, the same to be serial bonds, each bond to be for such an amount and to run for such a length of time as the board of trustees of said district shall determine, the whole issue to be due within thirty-five years from the date of issuance, to be used to purchase a site or additional grounds for a new school building in said district and for building said new school building and equipping and furnishing the same.—No."

Separate ballot box, canvass.

And the ballots shall be deposited in a separate ballot box provided for the purpose. At the closing of the polls the inspectors shall at once canvass the ballots and at the close of said canvass publicly declare the result thereof, and a record of the same shall be made in the school district records.

Board of trustees to issue bonds.

SEC. 4. If at such meeting a majority of such qualified electors present thereat and voting upon such proposition shall vote in favor of such loan and issuing said bonds therefor, the board of trustees of said district shall thereupon be authorized to borrow not to exceed the sum of thirty-five thousand dollars and to issue the bonds of said district therefor, which bonds shall be executed in such proper form and by such officers of the board as the board of trustees of said district shall direct, and the said bonds may be disposed of from time to time in such quantities as said board of trustees may deem necessary.

Money, how applied.

SEC. 5. The money borrowed under the provisions of this act shall be applied as follows, viz.: To purchase a site or additional grounds to erect a new school building on, in said district, to erect a new school building and to furnish and equip the same.

Tax levy, etc.

SEC. 6. It shall be the duty of said board of trustees of school district number six, fractional, of the township of Sen-

eca, to provide by tax upon all taxable property in said school district, or from any fund it may have on hand not otherwise appropriated, for the payment of said amount borrowed, not to exceed thirty-five thousand dollars and interest upon all bonds issued under authority of this act, and said board of trustees of said school district is hereby authorized to raise by tax in each year, in addition to all other school taxes, a sum sufficient to provide for the payment of any bond or bonds that may become due that year and to provide for the payment of the interest on said bonds.

SEC. 7. It is the intent and the purpose of this act to enable and empower the said school district number six, fractional, to raise and realize the sum of any amount not to exceed thirty-five thousand dollars, and no more than thirty-five thousand dollars, to purchase site or additional grounds for a new school building and to build a new schoolhouse and furnish and equip the same, and all sections of the general school law of this State, inconsistent with the provisions of this act, are and the same shall be inoperative as to said district, but all sections of the general school law of this State, not inconsistent with the provisions of this act, are and the same shall be and remain in full force in said district. Intent of act.

This act is ordered to take immediate effect.

Approved March 19, 1907.

[No. 420.]

AN ACT to authorize the city of South Haven to borrow money and issue bonds therefor, for the purpose of building and improving docks and for the improvement of its river and harbor, and to provide for the payment thereof.

*The People of the State of Michigan enact:*

SECTION 1. The council of the city of South Haven is hereby authorized and empowered to borrow such sum or sums of money, at such times as to it shall seem advisable, not exceeding in the aggregate fifty thousand dollars, on the faith and credit of said city, and issue the negotiable coupon bonds of said city therefor, payable at such time or times, not exceeding twenty years from the date thereof, as said council shall decide and at a rate of interest not exceeding five per cent per annum, for the purpose of building and improving docks and for the improvement of its river and harbor: *Provided*, The council of said city by a two-thirds majority vote shall decide to issue such bonds: And *Provided further*, That said council before borrowing any of said sums of money or issuing any of said bonds shall be first authorized so to do

Bonds for building docks, etc.

Proviso, two-thirds majority of council. Further proviso.

by two-thirds of the electors of said city voting at a general or special election at which the question of borrowing such money and issuing such bonds shall have been regularly submitted in the manner provided by law.

Bonds, how sold.

SEC. 2. Said bonds shall be sold under the direction of the council of said city, but for not less than their par value.

Tax levy.

SEC. 3. The city of South Haven is also authorized and empowered to provide by resolution for the raising of a sufficient sum of money by tax upon the taxable property of said city to pay the interest on said bonds as it shall become due, which tax shall be in addition to and be levied and collected in the same manner as the taxes which said council are now authorized to levy and collect; and in the same manner said council shall provide for the payment of said bonds at the maturity thereof.

This act is ordered to take immediate effect.

Approved March 19, 1907.

[No. 421.]

AN ACT to authorize the city of South Haven in the county of Van Buren to borrow money and to issue bonds therefor for the purpose of paying outstanding indebtedness of said city.

*The People of the State of Michigan enact:*

Bonds for outstanding indebtedness.

SECTION 1. The city of South Haven in the county of Van Buren is hereby authorized to borrow a sum of money not exceeding twenty-two thousand dollars on the faith and credit of said city and to issue negotiable coupon bonds of said city therefor not exceeding said sum: *Provided*, It shall be first authorized so to do by two-thirds of the electors of said city voting at a general or special election at which the question of borrowing said money and issuing said bonds shall have been regularly submitted in the manner provided by law.

Proviso, two-thirds of electors voting.

Denomination, form, etc., how determined.

SEC. 2. The common council of said city shall, by resolution or ordinance, determine the time when said bonds shall be issued, the amount, denomination and form thereof, the time of payment, which shall not be more than twenty years from their date, the rate of interest they shall bear, which shall not be more than five per cent per annum, payable semi-annually, the time when such interest is payable and the manner in which said bonds shall be executed.

Sale and proceeds of.

SEC. 3. Said bonds shall be sold under the direction of the common council of said city but not for less than their par value. The proceeds of said bonds, when the same are sold, shall be placed in the city treasury and shall be used under the



order of the common council solely to pay the outstanding indebtedness of said city payable from its general funds.

SEC. 4. The common council of said city shall have authority, and it shall be its duty, to cause to be raised, from time to time, by tax upon the taxable property of said city in the manner provided by law for the levy and collection of taxes for the general funds of said city, such sum as may be necessary to pay said bonds and the interest thereon as the same severally become due. Tax levy.

This act is ordered to take immediate effect.

Approved March 19, 1907.

[No. 422.]

AN ACT to authorize the township of Stannard, in the county of Ontonagon and State of Michigan, to borrow money for the purpose of paying the outstanding indebtedness of said township, and to defray the expenses of erecting a town house and erecting and repairing bridges within said township, and to issue bonds therefor.

*The People of the State of Michigan enact:*

SECTION 1. The township board of the township of Stannard, in the county of Ontonagon and State of Michigan, is hereby authorized and empowered to borrow money on the faith and credit of said township and to issue bonds therefor to an amount not exceeding six thousand dollars, which shall be expended for the purpose of paying the outstanding indebtedness of said township, and to defray the expenses of erecting a town house and erecting and repairing bridges within said township and to issue bonds therefor: *Provided*, That a majority of the qualified electors of said township who are present and voting at an annual election, or at a special election called for that purpose, shall vote therefor. Bonds for outstanding indebtedness, etc.  
Proviso, majority vote.

SEC. 2. The township board of said township of Stannard shall submit to the electors of said township a proposition to borrow money under the authority of this act, and to issue bonds therefor in an amount not exceeding the said sum of six thousand dollars, which proposition may be submitted at any annual election in said township or at a special election to be called for that purpose. Public notice that said proposition will be so submitted shall be given by order of the township board, signed by the supervisor and clerk of said township, and posted in at least five public places in said township not less than two weeks before said election; and said notice shall state that the electors of said township will be called to vote upon said proposition so determined by said Electors, when submitted to.  
Notice, how given.

Special election, may be called.

board; and said township board is hereby authorized and empowered to call a special election in its discretion for the above named purpose and in the manner aforesaid.

Ballot, form of.

SEC. 3. The vote upon any such proposition under the provisions of this act shall be by ballot which shall be in substantially the following form:

"Vote upon the proposition to borrow money for the purpose of paying the outstanding indebtedness of said township and to defray the expenses of erecting a town house and erecting and repairing bridges within said township and to issue bonds therefor. Mark or stamp a cross in the appropriate square below.

[ ] On the proposition to borrow money—Yes.

[ ] On the proposition to borrow money—No."

Ballot box, to be labeled.

And such ballot shall be deposited in a separate ballot box, to be labeled "Township Loan," and such ballots shall be cast, canvassed and the result thereof certified to in the same manner as is provided by law respecting ballots cast for the officers of said township.

Bond issue, manner of.

SEC. 4. If such loan shall be authorized by a majority vote of said electors voting at such election, coupon bonds may be issued in such sums and at such times not exceeding in the aggregate the sum of six thousand dollars, and payable at the time or times not exceeding ten years with the rates of interest not exceeding six per cent per annum, as the said township board shall direct and shall be signed by the supervisor and countersigned by the clerk of said township and negotiated by or under the direction of the township board:

Proviso.

*Provided*, That said bonds shall not be sold at less than par, and the money arising therefrom shall be used for the purpose aforesaid; and the said township board is hereby empowered to raise such sum or sums of money from time to time as shall be sufficient to pay the amount of said bonds and the interest thereon as the same shall become due, by taxes upon the taxable property of said township, which taxes, so to be assessed, shall be in addition to all other taxes which said township is now authorized to raise and shall be denominated in the assessment roll and proceedings in regard thereto as special bond taxes.

Tax levy.

This act is ordered to take immediate effect.

Approved March 19, 1907.

[No. 423.]

AN ACT to authorize the village of L'Anse, in the county of Baraga, to borrow money for public lighting purposes and to issue bonds therefor.

*The People of the State of Michigan enact:*

SECTION 1. The village council of the village of L'Anse, in the county of Baraga and State of Michigan, is hereby authorized and empowered to borrow money on the faith and credit of said village, and to issue bonds therefor to an amount not exceeding five thousand dollars, which shall be expended for lighting purposes and in making other public improvements in said village, as the village council may, from time to time, determine: *Provided*, That two-thirds of the qualified electors of said village who are present and voting at an annual election, or a special election called for that purpose, shall vote therefor.

Bonds for lighting purposes, etc.

Proviso, two-thirds of electors voting.

SEC. 2. The village council of said village of L'Anse may, from time to time, submit to the electors of said village a proposition to borrow money under the authority of this act and to issue bonds therefor as herein provided, in such amounts, not exceeding at any one time or in the aggregate the said sum of five thousand dollars as said village council may determine, which proposition may be submitted at any annual election of said village or at a special election to be called for the purpose. Public notice that said proposition will be submitted shall be given by order of the village council signed by the clerk of said village, by publishing the same in a newspaper in said village, once in each week before said election, and by posting a copy of such notice in at least three public places in said village, not less than two weeks before said election; and said notice shall state that the electors of said village will be called upon to vote upon said proposition, so determined by said council, and said village council is hereby authorized and empowered to call a special election at any time in its discretion for the above named purpose and in the manner aforesaid.

Submission.

Notice, how given.

SEC. 3. The said village council may submit such proposition in manner aforesaid; and in case such proposition is for a less sum than the aggregate above mentioned, the said village council may in its discretion, from time to time, submit further propositions for further loans under the authority of this act, but not to exceed in all the sum of five thousand dollars.

In case proposition is for less sum, etc.

SEC. 4. The vote upon any such proposition under the provisions of this act shall be by ballot, which shall be in substantially the following form:

Ballot, form of.

"Vote on proposition to borrow money for lighting purposes and other improvements. Mark or stamp a cross in the appropriate square below.

[ ] On the proposition to borrow money—Yes.

[ ] On the proposition to borrow money—No.”

Ballot box to  
be labeled.

And such ballot shall be deposited in a separate ballot box to be labeled “Village Loan,” and such ballots shall be cast, canvassed and the result thereof certified to in the same manner as is provided by law respecting ballots cast for the officers of said village.

Manner of  
issue.

SEC. 5. If such loan shall be authorized by two-thirds of said electors voting at such election, coupon bonds may be issued in such sums and at such times, not exceeding in the aggregate the amount thereinbefore limited, and payable at the time or times not exceeding thirty years, with such rates of interest not exceeding five per cent per annum, as the said village council shall direct, and shall be signed by the president and countersigned by the clerk of said village and negotiated by or under the direction of the said village council:

Proviso, par.

*Provided*, That said bonds shall not be sold at less than par, and the money arising therefrom shall be used for the purposes aforesaid. And the said village council is hereby empowered to raise such sum or sums of money from time to time as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due, by taxes upon the taxable property of said village, which taxes so to be assessed, shall be in addition to all other taxes which said village is now authorized to raise, and shall be denominated in the tax assessment roll and proceedings in regard thereto as “Special Bond Tax.”

Tax levy.

This act is ordered to take immediate effect.

Approved March 19, 1907.

[No. 424.]

AN ACT to incorporate the city of Brown City, in the county of Sanilac, as a city of the fourth class, and to repeal all acts or parts of acts relative to the incorporation of the village of Brown City.

*The People of the State of Michigan enact:*

Territory  
incorporated.

SECTION 1. All that certain territory situated in the county of Sanilac and State of Michigan described as follows, to wit: The north half of section eighteen and the south half of section seven, in township nine north of range thirteen east, constituting the village of Brown City, is hereby incorporated into, and the same is hereby made, constituted and organized into a city to be known by the name of the city of Brown City.

One ward.

SEC. 2. The said city shall consist of one ward, the boun-

daries of which shall coincide with the boundaries of the said city.

SEC. 3. The following city officers, viz.: A mayor, city clerk, city treasurer, supervisor, and two justices of the peace, shall be elected by the qualified voters of the whole city. City officers.

SEC. 4. In said city two constables and six aldermen shall be elected. The constables shall be elected for the term of one year. At the first election held under this act, three of said aldermen shall be elected for the term of one year and three for the term of two years, and annually thereafter three aldermen shall be elected for the term of two years. Constables and aldermen.

SEC. 5. The following officers shall be appointed by the mayor, by and with the advice and consent of the city council, viz.: A city marshal, city attorney, street commissioner, health officer and pound master. And the city council may provide, by ordinance or resolution, for the appointment of such other officer or officers as may by them be deemed necessary to carry into effect the powers granted to said city by this act. Appointive officers.

SEC. 6. The justices of the peace elected at the first city election shall hold their offices one for the term of two years and one for the term of four years. The time for which each shall be elected shall be designated on the ballots cast for him. After the first election one justice of the peace shall be elected every two years for the term of four years. Justices, election and term of.

SEC. 7. The supervisor shall perform the same duties in relation to the assessment of property and levying taxes for all purposes in said city as are imposed by law upon supervisors elected in townships; and he shall have the like powers and perform the like duties in all other respects as supervisors so elected, so far as such powers and duties are required to be exercised and performed in said city; he shall be a member of the board of supervisors of said county of Sanilac, and shall represent said city on said board, and shall have all rights, privileges and powers of the several members of said board of supervisors. Supervisor, power and duty of.

SEC. 8. The mayor and aldermen of said city shall receive compensation as follows: The mayor shall receive a salary of twenty-five dollars per annum; the aldermen shall receive each one dollar for every regular meeting of the council and fifty cents each for every special meeting of the council, which they shall actually attend, and the further compensation of twenty cents per hour for each hour actually engaged at work on duties as members of the various committees. The city marshal, clerk, treasurer and attorney shall each receive such annual salary as the council shall determine by ordinance or resolution. The compensation of the supervisor for assessing and levying taxes, extending taxes upon the roll, and for all other services performed by him shall be two dollars per day for the time actually employed. Justices of the peace, constables and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the Member of board of supervisors.  
Compensation of mayor.  
Aldermen.  
City marshal, clerk, treasurer and attorney.  
Supervisors.  
Justices, constables, etc.

ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

Board of  
review.

SEC. 9. The supervisor and the three aldermen whose terms of office soonest expire, shall constitute a board of review of assessments for said city, and they shall perform their duties at the time and in the manner provided in the general tax laws for the performance of such duties in the townships.

Act governing  
city.

SEC. 10. The said city of Brown City shall, in all things not herein otherwise provided, be governed and its powers and duties defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of Michigan of eighteen hundred ninety-five, approved May twenty-seven, eighteen hundred ninety-five, and all acts amendatory thereof, which said act, as the same is now or hereafter may be amended is hereby made and constituted a part of the charter of said city of Brown City.

Village officers  
to hold over.

SEC. 11. The officers of the village of Brown City at the time this act shall take effect shall also be the officers of the city of Brown City until their successors are elected and qualified, that is to say: The president of said village shall be the mayor of said city; the clerk, treasurer and assessor of said village shall be the clerk, treasurer and supervisor of said city; the members of the board of trustees of said village shall be the common council of said city; the village attorney, marshal, street commissioner and health officer of said village shall be respectively the city attorney, marshal, street commissioner and health officer of said city and shall perform the duties of their respective offices and be governed by the provisions of said act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and the amendments thereto, except in so far as the same may be inconsistent with the provisions of this act, the same as if said city was incorporated in the manner provided in said act.

Act governing.

Rights and  
liabilities.

SEC. 12. All rights of action, demands, credits, choses in action and property of whatsoever nature or name, belonging to or existing in favor of said village of Brown City, shall hereafter remain and be the debt, demands, property and rights of action and choses in action of the said city of Brown City, and it shall have all the right and authority to enforce the same that was possessed by said village of Brown City. And all debts, demands and right of action now existing against the said village of Brown City shall be assumed by said city of Brown City, and shall hereafter become and remain debts, demands and rights of action against the said city of Brown City.

Ordinances,  
etc., continued  
in force.

SEC. 13. The ordinances, rules and regulations of the village of Brown City not inconsistent with the provisions of this act, are hereby continued in full force and effect until

legally amended or repealed by the proper authorities of said city.

SEC. 14. The incorporation of said city of Brown City shall in no way change or affect the boundaries of school district number three of the township of Maple Valley, but the same shall continue as heretofore, and no change shall be made in the manner or time of electing the district officers of said school district, or in the management or control of said district, except that the taxes voted for school purposes in said district shall be apportioned at or before the time of meeting of the board of supervisors of Sanilac county in annual session, in October in each year, by the supervisor of the said city of Brown City and the supervisor of the said township of Maple Valley.

School district not affected.

School tax, when apportioned.

SEC. 15. It shall not be necessary for the city of Brown City to create and constitute a board of public works as provided in chapter twenty-eight of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and the amendments thereto, unless the council of said city shall so determine by a two-thirds vote of all the aldermen elect. Until such board of public works is established, all the duties of said board of public works shall be performed by the council of said city. Whenever the council of said city shall, by a two-thirds vote of all the aldermen elect, determine to create and constitute a board of public works, the provisions of said chapter twenty-eight of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and the amendments thereto, shall be in full force and effect in said city.

Board of public works.

Act governing.

SEC. 16. The first election in said city shall be held on the first Monday of April, nineteen hundred seven. The council of said village of Brown City shall appoint three electors to act as a board of registration and three to act as a board of election inspectors, and said council shall also designate a place where said registration and said election shall be held. Notice of the time and place of such registration and of holding such election, and of the officers to be elected, shall be given by the clerk of the said village of Brown City, at least ten days before said election, by posting such notices in three public places in said city and by publishing a copy thereof in one of the newspapers published in said city, for the same time.

First election.

Board of registration and election.

Notice given.

SEC. 17. In case the said first election shall not be held at the time designated in this act, the election for the first officers of the said city may be held any time within one year from the time designated in this act, on notice being given thereof in the same manner and for the same time, and the appointment of the boards of registration and of election inspectors, as provided in section sixteen of this act.

When first election not held.

SEC. 18. The rights and liabilities, as between the city of Brown City and the township of Maple Valley, shall be adjusted according to the provisions of act number thirty-eight

Adjustment of rights and liabilities

of the public acts of eighteen hundred eighty-three, entitled "An act to provide for adjustment of rights and liabilities on division of territory of cities and townships," and any liability accruing to the city of Brown City, by reason of the detachment of the territory from said township of Maple Valley, shall be paid from a tax levied upon the territory in the city by reason of whose detachment the liability was incurred.

Repealing  
clause.

SEC. 19. All acts or parts of acts relative to the incorporation of the village of Brown City are hereby repealed.

This act is ordered to take immediate effect.

Approved March 19, 1907.

[No. 425.]

AN ACT to provide for two voting precincts in the township of Forest in the county of Cheboygan.

*The People of the State of Michigan enact:*

Voting  
precincts.

Second.

First.

Polling place,  
etc., first  
precinct.

Second  
precinct.

Law govern-  
ing elections.

Special  
regulations.

SECTION 1. The township of Forest, in the county of Cheboygan, shall be divided into two voting precincts, as follows: The second voting precinct shall consist of sections twenty-nine, thirty, thirty-one, thirty-two and thirty-three in township thirty-four north of range one east, and all of township thirty-three north of range one east, and all the remainder of said township of Forest shall constitute the first voting precinct.

SEC. 2. The polling place in precinct number one shall be the same as at present established and the present board of registration and election for Forest township shall constitute such board for said precinct number one, at the first election held after the passage of this act. The polling place for precinct number two, at said first election, shall be at Milliken's mill, in section twenty-nine, in township thirty-three north of range one east; and Lewis Clark, John J. King, John McDade and John P. Hyde shall constitute the board of registration and election for said first election in said precinct number two.

SEC. 3. The general laws relating to the conduct of elections in townships having more than one precinct shall be applicable in said township of Forest, so far as they do not conflict with the provisions of this act; and the township board of Forest township is hereby authorized to make any and all such special regulations as may be found necessary to carry into full effect the provisions of this act.

This act is ordered to take immediate effect.

Approved March 19, 1907.



## [No. 426.]

AN ACT to vacate the township of Harrison in the county of Schoolcraft in this State, dissolve its organization, and to incorporate the territory embraced therein in the townships of Thompson and Hiawatha, in said county of Schoolcraft.

*The People of the State of Michigan enact:*

SECTION 1. The township organization of the township of Harrison, in the county of Schoolcraft in this State, is hereby vacated and dissolved. Township of Harrison vacated.

SEC. 2. Entire townships: Forty-four north, range eight-  
een west, forty-four north, range seventeen west, forty-three  
north, range seventeen west, forty-two north, range seventeen  
west; fractional section thirty-one of township forty-two  
north, range sixteen west; fractional sections six, seven,  
eight, nine, ten, west one-half of section eleven, west one-half  
of section fourteen; entire sections fifteen and sixteen and frac-  
tional sections seventeen, eighteen, twenty-two, twenty-three  
and twenty-seven, all in township forty-one north, range six-  
teen west, situated within the limits of said township of Har-  
rison, are hereby attached to and incorporated into the pres-  
ent township of Thompson in said county of Schoolcraft. All  
the remainder of the territory of said township of Harrison  
is hereby attached to and incorporated into the present town-  
ship of Hiawatha in said county of Schoolcraft. Territory attached to Thompson.  
  
Territory attached to Hiawatha.

SEC. 3. All the moneys, rights, credits and personal prop-  
erty belonging to said township of Harrison, shall be di-  
vided between the said townships of Thompson and Hiawatha,  
each of said townships to have such a proportion thereof, as  
the value of the taxable property of the said township of  
Harrison attached thereto bears to the whole value of the  
taxable property of the said township of Harrison, as it ex-  
isted before this division of its territory, the value of said  
moneys, rights, credits and personal property to be ascer-  
tained from the assessment roll of said township of Harrison  
for the year nineteen hundred six. Division of moneys, rights, etc.

SEC. 4. All debts owing by the said township of Harrison  
shall be apportioned to each of the said townships of Thomp-  
son and Hiawatha, in the same manner as the personal prop-  
erty of such township of Harrison as above provided, and  
each of the said townships of Thompson and Hiawatha shall  
be charged with and pay its share of the debts of said town-  
ship of Harrison according to such apportionment. Division of debts.

SEC. 5. As soon after the taking effect of this act as practi-  
cable, the township board of either of said townships of  
Thompson or Hiawatha may give notice to the other town-  
ship to meet with said township, giving the notice, for a set-  
tlement of the matter in difference between said townships  
Settlement of differences; notice how given.

Proviso,  
increase of  
compensation.

President of  
council, pow-  
ers and duties  
of.

Public im-  
provements,  
where  
referred.

Plans,  
specifications.

Proposals.

Security.

the justices of the peace and constables shall be allowed the same fees as are by law allowed to corresponding township officers; members of the common council shall serve without pay, excepting that they shall receive five dollars per day for services on boards of review, election boards and boards of registration, and two dollars per day for services on committees requiring absence from the city; supervisors and all other officers of said city shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices: *Provided*, That the common council may increase the compensation of any officer whenever authorized thereto by law or by a majority vote of the qualified electors of the said city, voting at any annual charter election, ten days' notice having been given of the proposed increase.

SEC. 71. The president of the common council shall attend and preside at all meetings thereof and shall have a vote on all questions. He shall be ex-officio a member of all committees of the common council. He shall have the appointment of all standing and special committees of the council, unless otherwise ordered when such special committee is constituted. He shall have the power, and it shall be his duty to preserve order and decorum in the council room during the sessions of the council, and in the discharge of such duty may order any disorderly person removed from the council room, and for a second violation of the order by the same person at a single session of the council, the president may order his arrest and imprisonment for a period not exceeding twenty-four hours. In the absence or disability of the president, the council shall appoint one of their number to perform his duties, and for the time being shall exercise the powers and discharge the duties of the president.

SEC. 137. Whenever the common council of said city shall have decided upon the making of any public improvement, it shall so declare by resolution and shall refer the matter to the board of public works, and such other board or boards as may be interested therein, and said board or boards, with all convenient dispatch, shall determine as to the particular kind of materials to be used therefor so far as practicable, and estimate in detail the quantity of materials, the probable cost and expense of such work and of the materials and make a record thereof in their office, and cause to be prepared, so far as necessary, plans and specifications for such work or improvement, and report the determination and estimate to the common council. When such plans and specifications have been submitted to the common council, and approved by it, the said board of public works shall, except in the case of cleaning the ditches and gutters and the repair of streets and sidewalks, advertise for proposals for furnishing of material and for the performance of such work; and may

require all bidders to furnish security for the performance of any contract awarded to them; and all bids submitted to said board shall be publicly opened by it, and as soon thereafter as may be, reported by said board to the common council, together with its recommendation in respect thereto; and no contract shall be let by the said board until duly authorized by the common council; said board shall have the right to reject any and all bids made, and in case all bids are rejected or no bids received, the board may then advertise a second time or perform such work and furnish the materials itself. And if the board shall decide to perform such work and furnish the materials it shall be the duty of the board to communicate in writing to the common council at its earliest opportunity, its determination so to do; and after the completion of such work, at its earliest opportunity the board shall make an itemized report in writing to the common council of all money expended by it in the prosecution of such work and the purchase of such materials, stating therein for what particular purpose said money was expended. No expenditures for any purpose exceeding twenty-five dollars shall be paid by the said board, except by consent of the common council.

When board performs work and furnishes materials.

SEC. 161. There shall be a board of health in said city, which shall consist of three members, one of whom shall be a competent physician; they shall be appointed by the mayor, by and with the consent of the common council, for the full term of three years, but the members shall be subject to classification in such manner that one term shall expire each year. One of the members of said board, in addition to the powers and duties incumbent upon him as a member of said board, shall be city health officer and shall exercise such powers and duties as shall be from time to time conferred upon him by said board of health and the common council of said city. Said city health officer shall, in all cases, be a competent physician and the mayor shall designate which of the members of said board shall be city health officer and such member of the board of health shall continue to discharge the duties of city health officer during the term for which he was appointed as a member of said board. Such city health officer shall be executive officer of the board of health, shall perform such duties of inspection as may be necessary for the information and guidance of said board, and shall do the work of fumigating in all cases where it is necessary for it to be done within said city. Said health officer shall receive six hundred dollars per annum, which shall be in full for his services. The other members of the said board of health shall receive such compensation as the common council may allow, not exceeding fifty dollars per annum.

Board of health, members, term, etc.

City health officer.

To be physician.

Executive officer.

Salary.

Compensation.

This act is ordered to take immediate effect.

Approved March 20, 1907.

[No. 428.]

AN ACT to amend section five of act number four hundred thirty-two of the local acts of the legislature of the State of Michigan of nineteen hundred five, entitled "An act to authorize the township board of the township of Breitung in the county of Dickinson, to establish, equip and maintain a fire department in said township; to provide a water supply for said department; to borrow money for the purpose of establishing and equipping said fire department and to issue the negotiable bonds of said township therefor, and to appropriate certain moneys to maintain said fire department and water supply," and to repeal section six of said act.

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. Section five of act number four hundred thirty-two of the local acts of the legislature of the State of Michigan of nineteen hundred five, entitled "An act to authorize the township board of the township of Breitung in the county of Dickinson, to establish, equip and maintain a fire department in said township, to provide a water supply for said department; to borrow money for the purpose of establishing and equipping said fire department and to issue the negotiable bonds of said township therefor, and to appropriate certain moneys to maintain said fire department," is hereby amended to read as follows:

Levy and collection of "fire tax."

SEC. 5. Said bonds shall be paid and said fire department and the property pertaining thereto shall be maintained by tax on the taxable property of said township to be called "fire tax." Said tax shall be voted or ordered by said board and levied in such installments or otherwise as said board may from time to time determine, and shall be levied and collected at the same time or times and in the same manner as other general taxes.

Section repealed.

SEC. 2. Section six of said act is hereby repealed. This act is ordered to take immediate effect.  
Approved March 20, 1907.

[No. 429.]

AN ACT to reincorporate the city of Hastings, and to repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

## CHAPTER I.

### INCORPORATION AND BOUNDARIES.

SECTION 1. Act number two hundred sixteen of the session laws of eighteen hundred seventy-one, entitled "An act to incorporate the city of Hastings," approved March eleventh, eighteen hundred seventy-one, also act number four hundred two of the session laws of nineteen hundred three, entitled, "An act to re-incorporate the city of Hastings," approved April ninth, nineteen hundred three, as revised and amended by the several acts revisionary and amendatory thereof, are hereby repealed.

### INCORPORATION POWERS.

SEC. 2. The corporation heretofore created and known as the city of Hastings, and the inhabitants thereof, shall be, and the same are hereby created and constituted a corporation by the name of "The City of Hastings," and by that name may sue and be sued, implead and be impleaded, complain and defend in any and all courts of law or equity; may have a common seal and alter it at pleasure, and make take, purchase, hold and dispose of real, personal and mixed estate, for the use of said corporation.

### TERRITORY INCORPORATED.

SEC. 3. All that portion of the township of Hastings, in the county of Barry, known and described as the entire of section seven, eight, seventeen and eighteen, the north half of section nineteen, the north half of section twenty, the west one-fourth of section sixteen and the west half of the northwest quarter of section twenty-one, is hereby constituted a city corporate so far as the same is not already so constituted, under the name of "The City of Hastings," and subject to the municipal control of said corporation.

## CHAPTER II.

### WARDS AND THEIR BOUNDARIES.

SECTION 1. The city of Hastings shall be divided into four wards, with their several boundaries established as follows:

The first ward shall embrace all that portion of said city lying north of the Thornapple river;

The second ward shall embrace all that portion of said city lying south of the Thornapple river and east of Fall Creek;

The third ward shall embrace all that portion of said city lying south of Thornapple river, west of Fall Creek, and east of Church street and the continuous line thereof;

The fourth ward shall embrace all that portion of said city lying south of Thornapple river and west of Church street and the continuous line thereof.

## CHAPTER III.

### OFFICERS OF THE CITY.

SECTION 1. The following officers shall be elected from among the qualified electors of said city, to-wit: One mayor, one city clerk, who shall be ex-officio clerk of the water committee, one treasurer, two justices of the peace, and two members of the board of review; and such officers shall be elected in the following manner: The mayor shall be elected biennially commencing with the election in April, nineteen hundred eight, and every second year thereafter; the city clerk shall be elected biennially, commencing with the election in April, nineteen hundred seven, alternating with the mayor so that one or the other shall be elected each year, and they shall hold their office for the term of two years and until their successors are elected and qualified; the treasurer shall be elected for one year and shall hold his office until his successor is elected and qualified. The treasurer shall not hold his office for more than two terms in succession. There shall also be elected biennially one justice of the peace; the first to be elected at the election in April, nineteen hundred seven, and the other to be elected at the election in April, nineteen hundred nine, and the term of justices of the peace under and by virtue of this act shall commence on the fourth day of July following their election, and they shall hold their office for the same length of time as justices of the peace elected in and for the several townships of this State. There shall also be elected annually one member of the board of review for the term of two years. There shall also be elected

annually, in wards one and four, one supervisor, and in wards two and three, one supervisor, each for one year, and shall hold their office until their successors are elected and qualified.

#### WARD OFFICERS.

SEC. 2. There shall also be elected at the same time in each of the several wards, one alderman and one constable. The alderman shall be elected for two years and until his successor is elected and qualified; the constable shall be elected for one year and until his successor is elected and qualified.

### CHAPTER IV.

#### ELECTORS, ELECTIONS AND REGISTRATION.

##### ELECTIONS.

SECTION 1. The annual elections under this act shall be held on the first Monday in April in each year, and at such places in each ward as the council shall designate, and of which election the city clerk shall give at least ten days' notice by posting the same in at least three public places in each ward, or by publication in at least one newspaper published in said city.

##### ELECTORS.

SEC. 2. The inhabitants of the city having the qualifications of electors under the constitution of the State, and no others, shall be electors therein, and every elector shall vote in the ward or election district where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward or election district in which is located his regular place of lodging.

##### SIX HUNDRED FIFTY ELECTORS OR MORE.

SEC. 3. Should there be more than six hundred fifty electors in any ward in the city, according to the poll list of the last preceding election, the council shall cause such ward to be divided into two or more voting precincts or districts. The manner of making such division, the creation of election inspectors and boards of registration therein, and all matters pertaining to such division, and the holding of elections in such districts, not covered by the provisions of this act, shall be provided for by the council making such division.

## BOARD OF REGISTRATION.

SEC. 4. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If, by reason of a change of boundary of any ward, or the formation of a new ward, or the formation of more than one election district in a ward, or other cause, there shall not be any, or a sufficient number of aldermen representing such ward or residing within each election district, to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward or election district. The members composing such board of registration shall each receive four dollars as compensation for their services on such board.

## REGISTRATION IN NEW PRECINCTS.

SEC. 5. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, or when a ward shall be divided into voting districts, the board of registration of the respective wards or voting districts affected by the change, shall meet previous to the time prescribed by law for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another, or to a new ward, or from one voting district to another, shall be copied into the register of the ward or district to which the transfer was made, and be stricken from the register of the ward or district from which the elector was transferred by the change.

## REGISTRATION, TIME OF.

SEC. 6. Each ward, unless otherwise subdivided, shall be an election district. On the third Tuesday and Wednesday preceding a general regular city, or any special election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each person then actually residing in the ward, or voting precinct, and who, at the then next approaching election may be a qualified elector and whose name is not already registered, to have his name entered in the register of such ward or voting district.

## NOTICE OF REGISTRATION.

SEC. 7. At least two weeks previous to the commencement of any such session of the several boards of registration, the



council shall fix the place in each ward and voting district of the city where the board of registration will meet, and at least eight days before such session of the board the city clerk shall give notice by hand bills posted in three public places in each ward or voting district, or by publication in one or more newspapers printed in the city, the week previous to such meeting, of the time and places in each ward or voting district when and where the board of registration for such ward and voting district will meet. Except as in this act otherwise provided, the general laws of the State relating to the registration of electors in cities shall apply to the registration of electors under the provisions of this act.

#### ELECTION COMMISSIONERS.

SEC. 8. The city clerk and any two aldermen appointed by the mayor for that purpose, shall constitute the election commission, who shall have charge of the preparation of the official ballots and such other matters as devolve upon similar officers under the general election laws of this State.

#### NOTICE OF ELECTION, POLLING PLACES.

SEC. 9. Notice of the time and place of holding an election, and of the officers to be elected, and the questions and propositions, if any, to be voted upon, except otherwise provided for, shall be given by the city clerk at least ten days previous to such election, by posting such notices in three public places in said city, or by publishing a copy thereof in a newspaper printed and published in said city in the two issues thereof preceding such election. The council shall designate the polling places of the different wards or voting districts and such designation may be made at any time previous to the time provided for giving notice of elections. In case the council shall fail to designate polling places previous to any election, such election shall be held at the polling places used at the last election, or in case it shall be inconvenient or impossible to use any such polling place, the inspectors of election of such voting precinct shall proceed in accordance with section two thousand two hundred eighty-seven of the Compiled Laws of eighteen hundred ninety-seven.

#### SPECIAL ELECTIONS.

SEC. 10. Special elections may be held by resolution of the council and held at the polling places used at the last election in the respective wards or voting districts in said city, unless otherwise provided for by the council. The purpose and object of all special elections shall be fully set forth in the resolution appointing the same, and the notice thereof provided for in the preceding section shall also contain the purpose and object of such election.

## OPENING AND CLOSING OF POLLS.

SEC. 11. On the day of election the polls shall be opened and closed at the same hours as provided by law for the election of State officers, and be governed by the provisions of the State law, except as herein otherwise provided.

## INSPECTORS OF ELECTION.

SEC. 12. The aldermen of each ward shall be inspectors of election for such ward. The electors of each ward, present at the time of opening of the polls on election day, shall elect from the electors of the ward or voting district such number of additional inspectors of election as shall make the number of inspectors of election in any voting district, equal to the number required by the general election laws of this State, and the electors so elected, together with the aldermen of the ward, shall constitute the board of election inspectors in the various voting districts or wards of the city. The inspectors may employ one or more electors of the ward or voting district as polling clerks, who shall receive such compensation, not exceeding two dollars per day, as the council may prescribe. In case of the failure of any inspector to attend or remain at the polls, or of his disqualification, his place shall be filled in like manner as additional inspectors are elected. The alderman whose term of office soonest expires, shall be chairman of the board of inspectors, or in his absence, disqualification or refusal to serve, the inspectors shall elect a chairman. Such boards of inspectors shall have power to correct, at the polls, any clerical errors that may be discovered in the registration. Each inspector of election shall receive two dollars per day as compensation.

## CONDUCT OF ELECTIONS.

SEC. 13. The inspectors and clerks of election shall take an oath, to be administered by any person authorized to administer oaths, to honestly and faithfully discharge their duties as such inspectors and clerks of election. All elections in the city shall be conducted, as near as may be, in manner provided by law for holding general elections in the townships throughout the State, except as herein otherwise provided, and the inspectors of election shall have the same powers and authority to preserve the purity of elections, maintain good order and to enforce the obedience of their lawful commands during the time of holding any election and the canvass of the votes cast thereat, as is now, or may hereafter be given to township boards of election inspectors by the general laws of this State, and shall perform the same duties as election inspectors, as township inspectors of election.

## CANVASS AND DECLARATION OF RESULT.

SEC. 14. Immediately after closing the polls, the inspectors of election shall, without adjourning, canvass the votes received by them, at the polling places in their respective wards or voting districts, and shall declare the result, return the ballots into the ballot box and seal the same and shall on the same day make a statement in writing, setting forth the whole number of votes cast for each office, the names of the persons for whom such votes for each office were cast, and the number of votes so given for each person, which statement shall be certified under the hands of the inspectors of election to be correct, and they shall, thereupon, deposit such statement, together with the poll-list and ballot box containing the ballots cast, in the office of the city clerk. On Wednesday next following the day of such election, the council shall meet at the office of the city clerk, and shall then and there determine who, by the greatest number of votes, given in the several wards, are duly elected to fill the respective city offices. Tie votes shall be determined by lot and it shall be the duty of the city clerk, immediately after such determination, to cause notice to be given of their election to each of the persons so elected, excepting those who are present at the time such canvass is made, and each officer so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath of office, before any person authorized to administer oaths, and shall deliver the same to the city clerk, who shall file and preserve the same in his office.

## ENTRY OF NEWLY ELECTED OFFICERS.

SEC. 15. All officers elected as herein provided, except justices of the peace, shall hold their respective offices until the second Monday in April following their election, and until their successors are elected and qualified. Officers appointed in elective offices, shall hold their offices for the residue of the term in which the vacancy occurred. Justices of the peace not elected to fill vacancies, shall enter upon their duties on the fourth day of July next after their election.

## BALLOT BOXES.

SEC. 16. The council shall provide and cause to be kept by the city clerk for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

## BALLOTS.

SEC. 17. The ballots used in any election shall be as near as may be, in conformity with the requirements of the general election laws of the State.

## CHAPTER V.

### APPOINTMENT OF OFFICERS.

SECTION 1. The following officers shall be appointed by the mayor, by and with the consent of the council: A city attorney, city marshal, street commissioner, city physician and chief of the fire department. The council may also, from time to time, provide by ordinance, for the appointment of, for such term as may be provided in the ordinance, such other officers, whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act. All such appointments shall be made by the mayor, by and with the consent of the council, except the superintendent of the water-works, who shall be elected by the council, and their powers and duties shall be prescribed by ordinance, but the mayor shall have no vote in the council on the question of his appointments of above named officers.

### APPOINTMENTS, WHEN MADE.

SEC. 2. Appointments to office, except appointments to fill vacancies, shall be made on or before the first Monday in May in each year, but appointments, which for any cause shall not be made on or before that day, may be made by the mayor and confirmed at any subsequent meeting of the council.

### ENTRY OF NEWLY APPOINTED OFFICERS.

SEC. 3. All officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until their successors are appointed and qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act, or in the ordinance creating the office.

### QUALIFICATIONS OF OFFICERS.

SEC. 4. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof, and no person shall be elected or appointed to any office in the city, who has been or is a defaulter to the city or to any board or officers thereof, or to any school district, county or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

**OATHS OF OFFICE.**

**SEC. 5.** Justices of the peace elected in the city shall take and file an oath of office with the county clerk within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city, shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the city clerk.

**OFFICIAL BONDS.**

**SEC. 6.** Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk; the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships, except that said official bond or security may be executed in the presence of, and be approved by the mayor; and in case he shall enter upon the execution of the duties of his office before having filed his official oath and bond or security and such other bond or security to the city as may be required by law or by ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships, and every other officer elected or appointed in the city, before entering upon the duties of his office and within the time prescribed for filing his official oath, shall file with the city clerk, such bond or security as may be required by law or by any ordinance or requirement of the council, for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

**APPROVAL OF BONDS.**

**SEC. 7.** The council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council, or by the laws of this State, shall inquire into the sufficiency of the sureties, and may examine them under oath as to their property. Such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him, and annexed to and filed with the bond or instrument to which it relates.

**NEW BONDS, WHEN COUNCIL MAY REQUIRE.**

**SEC. 8.** The council may also, at any time, require any officer, whether elected or appointed, to execute and file with

the city clerk, new official bonds in the same or in such further sums, and with new, or such further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

#### VACANCIES, RESIGNATIONS.

SEC. 9. Resignation of officers shall be made to the council. If any officer shall cease to be a resident of the city, or if elected in and for any ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter, the office shall thereby be vacated.

#### VACANCIES.

SEC. 10. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath, and give the requisite bond or security.

#### VACANCIES, HOW FILLED.

SEC. 11. In case any vacancy occurs in the office of mayor or in any other elective office, except justice of the peace and constable, as hereinafter provided, the council may fill such vacancy by appointment at any time within twenty days after such vacancy occurs, or may, within such time, call a special election for the purpose of filling such vacancy, as they may deem for the best interest of the city. Vacancies in the office of justice of the peace and constable shall be filled at the next annual election or at a special election called for that purpose. Vacancies in any appointive office shall be filled within twenty days after such vacancy occurs, by the mayor, by and with the consent of the council.

### CHAPTER VI.

#### DUTIES AND COMPENSATION OF OFFICERS.

##### DUTIES OF MAYOR.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at all meetings of the council, and shall, from time to time, give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his

duty to exercise supervision over the several departments of the city government, see that the laws relating to the city and the ordinances and regulations of the council are enforced. He shall countersign all orders and warrants for money drawn on the treasurer of the city.

**MAYOR, CONSERVATOR OF THE PEACE.**

**SEC. 2.** The mayor shall be conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

**MAYOR MAY SUSPEND OFFICERS.**

**SEC. 3.** The mayor may suspend any officer appointed by him at any time when he shall deem it for the best interests of the city, by and with the consent of the council by a majority vote thereof. He shall at all times have authority to examine and inspect the books, records and papers of any agent, employe or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

**MAYOR, VACANCY IN OFFICE OF.**

**SEC. 4.** In the absence or disability of the mayor, or in case of any vacancy in his office, the president pro tempore of the council shall perform the duties of mayor during such absence, disability or vacancy.

**ALDERMEN, DUTIES.**

**SEC. 5.** The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees, when thereupon appointed by the mayor or council. They shall be conservators of the peace, and as such shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city.

**CITY CLERK.**

**SEC. 6.** The city clerk shall keep the corporation seal, and all documents, official bonds, papers, files and records of the city, not by this act or by the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend all meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the city, copies of papers and records filed

and kept in his office and shall receive therefor eight cents per folio, unless when made for the city, when they shall be made without charges; and all such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of a township clerk, so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

#### ACCOUNTANT.

SEC. 7. The clerk shall be the general accountant of the city and all claims against the corporation shall be filed with him for adjustment and, after examination thereof, he shall report the same, with all accompanying vouchers and counter-claims of the city, and the true balance as found by him, to the council, for allowance, and when allowed, shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and take proper receipts therefor, but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised or apportioned, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund. It shall be the duty of the clerk of said city to prepare quarterly a financial statement showing the financial condition of said city and of each fund thereof and of the receipts and expenditures in general, and from each fund and from what source the income was derived, and for what purpose the money was expended, and said quarterly financial statements shall be published quarterly immediately after they are made in at least one newspaper published in the city of Hastings, the expense of which publication shall be paid out of the contingent fund of said city. Immediately upon the drawing of all orders from the various funds the city clerk shall charge to the fund the amount of the order so drawn at the time of the issuing of said order, and said quarterly financial statement shall show the condition of each fund as shown by the book of the recorder.

#### TO KEEP ACCOUNT WITH TREASURER.

SEC. 8. The clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues and over all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all debts and liabilities; he shall keep a complete set of books, exhibiting the



financial condition of the corporation and all its departments, funds, resources and liabilities, with a proper classification thereof and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all warrants drawn thereon, keeping a separate account with each fund. When any fund has been exhausted, the clerk shall immediately advise the council thereof.

#### TO MAKE FINANCIAL REPORT.

SEC. 9. The clerk shall report to the council whenever required, a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid and moneys required to meet the estimated expenses of the corporation and shall perform such other duties pertaining to his office as the council may require. He shall be clerk of the water committee and as such shall collect water rates and perform such other duties as such committee may require of him.

#### CLERK MAY APPOINT A DEPUTY.

SEC. 10. The clerk may, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the city clerk, and may exercise all the duties thereof, subject to the control of such clerk, and such deputy shall be paid for his services by the clerk, unless otherwise provided by the council. The clerk shall be responsible for all the acts and defaults of such deputy, and he may remove such deputy at his pleasure.

#### TREASURER, DUTIES OF. TO HAVE CHARGE OF MONEY.

SEC. 11. The treasurer, subject to the direction of the council, shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city: *Provided*, That the council by a majority vote of all the aldermen elect, may designate one or more depositaries in such city in which the city treasurer shall deposit all such moneys and other property named above in his possession by virtue of his office, to be drawn therefrom only in such manner as the council shall direct, and every such depositary shall furnish a bond, as the council may require and approve, for the safe keeping and accounting of all such moneys and property thus coming into its possession. The council may at any time, by a majority vote of all the aldermen elect, change any depositary or depositaries. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof: *Provided*, That the treasurer shall not be liable for any neglect or default of such depositary or depositaries. The treas-

urer shall pay no money out of the treasury, except in pursuance of and by authority of law and as directed by the council. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund of the corporation, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund endorsed thereon by the clerk. The treasurer may also subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the treasurer, subject to the control of the treasurer, and the treasurer and his bondsmen shall be liable for the acts and defaults of such deputy. Such deputy shall be paid for his services by the treasurer, unless otherwise provided by the council, and such deputy may be removed at the will of the treasurer. The city treasurer shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe, and as provided by this act.

#### TO MAKE REPORTS.

SEC. 12. The treasurer shall render to the council at their first regular meeting of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month and the amount of money remaining in each fund on the day of his report, and the council may at any time, when they shall deem it advisable, cause such report to be verified by a personal examination of the books, warrants, vouchers and city moneys in the possession of the treasurer. He shall also exhibit to the council annually on the first Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of the last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balance remaining in each fund; which account shall be filed in the office of the city clerk and shall be published in one or more newspapers of the city.

#### TO TAKE RECEIPT OF VOUCHER.

SEC. 13. The said treasurer shall take receipt and voucher for all moneys paid from the treasury, showing the amount and fund from which payment was made, and he shall exhibit to the council such receipts and vouchers on the first Monday of March in each year, or as often as the council shall require, as provided in the preceding section.

## TO COLLECT PUBLIC SCHOOL MONEYS. BOND.

**Sec. 14.** The city treasurer shall collect all school taxes in said city levied for school, library and schoolhouse purposes, and shall receive from the county treasurer all school, library and fine moneys in his hands belonging to the city, and shall deliver the same to such person or persons as the board of education of the city of Hastings shall direct. Before entering upon the duties of his office, and within ten days after his election, the city treasurer shall give bond to the city of Hastings and deliver the same to the clerk, in the penal sum of not less than forty thousand dollars and such additional sum as the council may require, with not less than three sureties to be approved by the council, conditioned for the faithful performance of his duties, and accounting for the proper payment of all moneys belonging to the city or the board of education and coming into his hands by virtue of his office, and he shall renew such bond from time to time as the council may require.

## TO KEEP MONEY SEPARATE.

**Sec. 15.** The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools, separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody and keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the council, and the council is hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

## MARSHAL. THE CHIEF OF POLICE.

**Sec. 16.** The marshal shall be the chief of police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all ordinances and regulations of the council made for the preservation of quiet, good order, and the safety and protection of the inhabitants of the city are promptly enforced. He shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him under the ordinances of the city, and such process may be served anywhere within the State, and may serve all such process, issued by justices of the peace of the city of Hastings as may be served by constables.

## TO SUPPRESS RIOTS, ETC.

**Sec. 17.** He shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command

the aid of the citizens in the performance of such duty. It shall be his duty to arrest all disorderly persons in the corporation. He shall arrest upon view, and with or without process, any person found in the act of committing an offense against the laws of the State or the ordinances of the city amounting to a breach of the peace, and forthwith take such person before the proper magistrate or court for examination or trial, and may also, without process, arrest and imprison persons found drunk in the streets.

#### TO REPORT TO COUNCIL. FEES.

SEC. 18. The marshal shall report in writing and on oath to the council at their first meeting in each month, all arrests made by him, and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city, and the amount of all fines and fees collected by him. All moneys collected or received by him, either as fines or fees, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the clerk. The marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to, or paid by the city.

#### CITY ATTORNEY.

SEC. 19. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council, and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute all offenses against the ordinances of the city. He shall be a member of the board of review.

#### STREET COMMISSIONER.

SEC. 20. It shall be the duty of the street commissioner to perform or cause to be performed, all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

#### TO MAKE MONTHLY REPORTS.

SEC. 21. The street commissioner shall make a report to the council in writing, and on oath, if requested so to do,

at each regular meeting of the council, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed or for expenses incurred by him shall be made until reported on oath, as aforesaid: *Provided*, That nothing in this act shall prevent the council from bestowing the powers and duties of street commissioner upon the marshal when it shall be deemed advisable. Proviso.

#### POWERS AND DUTIES OF CONSTABLES.

SEC. 22. The constables of the city shall have the like powers and authority in matters civil and criminal, and in relation to the service of all manner of civil and criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of ordinances of the city.

#### CONSTABLES TO OBEY ORDERS OF MAYOR, ETC.

SEC. 23. The constables of the city shall obey all lawful orders of the mayor, aldermen and any justice of the peace exercising jurisdiction in causes for breaches of the peace or the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any neglect or refusal to perform any such duty required of him every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give bonds for the faithful performance of the duties of his office, as may be required and approved by the council, and shall file the same with the city clerk.

#### POWERS AND DUTIES OF SUPERVISORS.

SEC. 24. The supervisors of the several supervisor districts are authorized to perform the same duties in relation to the assessment of property and levying taxes for all purposes in the respective supervisor districts, as are imposed by law upon supervisors elected in townships; and they shall have the like powers and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their supervisor districts; they shall represent their supervisor districts in the board of supervisors of the county in which the city is located, and shall have all rights, privileges and powers of the several members of such board of supervisors.

## JURORS, HOW SELECTED.

SEC. 25. The supervisor and aldermen of the several wards shall select and return lists of grand and petit jurors to the clerk of the county in the same manner and within the same time as the like duty is required to be performed by township officers.

## JUSTICES OF THE PEACE.

## JURISDICTION AND POWERS OF.

SEC. 26. Justices of the peace elected in the city under the provision of this act shall have and exercise the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects so far as occasion may require, as are or may be conferred upon or required of justices of the peace under the general law of the State: *Provided*, Said justices of the peace may have jurisdiction of all actions arising within the county of Barry whenever the plaintiffs or defendants, or one of them, shall reside within said county of Barry. And shall also have authority to hear, try and determine all suits and transactions for the recovery or enforcing of penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violation of such ordinance as in the ordinances prescribed and directed, subject only to the limitations prescribed by this act.

## PROCEEDINGS BEFORE JUSTICES.

SEC. 27. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to and be governed by the general laws applicable to justice courts and to the proceedings before such courts.

## DOCKETS.

SEC. 28. Every justice of the peace shall enter in the docket kept by him the title of all proceedings, suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings and the judgment rendered in every such cause and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all reasonable times to the examination of any person desiring to examine the same and shall be produced by the justice to the council whenever required.

## FINES COLLECTED BY JUSTICES.

SEC. 29. All fines, penalties and forfeitures collected or received by any justice of the peace for, or on account of violations of the penal laws of the State, and all fines, penalties and forfeitures and moneys collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first day of the month next after the collection or receipt thereof; and the justice shall take receipt of the city treasurer therefor and file the same with the city clerk.

## JUSTICE TO REPORT NAMES OF PERSONS FINED.

SEC. 30. Every such justice shall report, on oath, to the treasurer, at the time of making the payments provided for in the preceding section, the name of every person against whom a prosecution has been commenced, or judgment rendered, for any of the fines, penalties or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution.

## DISPOSITION OF FINES.

SEC. 31. All fines recovered for the violations of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offender, shall be paid by the county in which the city is located.

## BOND OF JUSTICES.

SEC. 32. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties shall, before entering upon the duties of his office, give a bond to the city, in penalty of one thousand dollars, with sufficient sureties to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace within and for the city.

## PENALTY FOR MISCONDUCT.

SEC. 33. Any justice of the peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act, or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly.

## ADDITIONAL POWERS OF OFFICERS.

SEC. 34. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution.

## COMPENSATION OF OFFICERS.

SEC. 35. The mayor and aldermen shall each receive a salary of fifty dollars per year. The city marshal, clerk, treasurer, city attorney and chief of the fire department shall each receive such annual salary as the council shall determine by ordinance or resolution. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them, shall be two dollars per day for the time actually employed. Justices of the peace, constables and officers serving process and making arrests, may, when engaged in causes and proceedings for violation of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city, shall, except as herein otherwise provided, receive such compensation as the council shall determine: *Provided, however,* That the provision herein fixing the salary of the mayor and aldermen at fifty dollars per annum shall not become operative until a majority of the electors voting thereon shall so decide. The council shall make provisions for submitting said proposition to the electors of the city by preparing ballots containing the words, "Salary for Mayor and Aldermen Yes...." and "Salary for Mayor and Aldermen No....," and if a majority of the electors voting thereon shall decide in favor of said proposition, then and in that case section thirty-five shall become operative in whole; but if a majority of said electors voting thereon do not vote in favor of said proposition, then and in that case, so much of section thirty-five as relates to the salary of mayor and aldermen shall become operative.

Provided.

## SALARY NOT TO BE INCREASED OR DIMINISHED.

SEC. 36. The salary or rate of compensation of any officer elected or appointed by authority of this act, shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office, shall be eligible to the same office during the term for which he was elected or appointed when during the same time the salary or rate of compensation has been increased.



## CHAPTER VII.

## THE CITY COUNCIL, OF WHOM TO CONSIST.

SECTION 1. The legislative authority of the city reincorporated under this act shall be vested in a council consisting of the mayor, two aldermen elected from each ward and the city clerk.

## PRESIDENT OF.

SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote. At the first regular meeting of the council after the first Monday in April in each year, the council shall appoint one of their number president pro tempore of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. Such president, pro tempore, shall, in the absence of the mayor, or in case of his inability to act, perform all the duties of the mayor. He shall have a vote upon all questions, but shall have no casting vote in case of a tie. In the absence of the president and president pro tem. the council shall appoint one of their number to preside, and for the time being he shall exercise the powers and duties of the president.

## CLERK OF.

SEC. 3. The city clerk shall be the clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office, as the council may direct. In the absence of the clerk or his deputy, the council shall appoint one of their number to perform the duties of clerk for the time being.

## WHEN ALDERMEN SHALL NOT VOTE.

SEC. 4. Each alderman shall be required to attend all sessions of the council, and serve upon committees when appointed thereon. No alderman shall vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote unless excused therefrom by a vote of two-thirds of the aldermen elect.

## MEETINGS OF COUNCIL.

SEC. 5. The council shall be judge of the election returns and qualifications of its own members. It shall hold regu-

lar stated meetings for the transaction of business, not less than two of which shall be held in each month. The mayor or any three members of the council may call special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence at least six hours before the meeting, and which notice shall state the object of the meeting, and no other business shall be transacted except such as is specified in the call and notice.

MEETINGS TO BE PUBLIC. QUORUM. TWO-THIRDS.

SEC. 6. All meetings and sessions of the council shall be public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and all pending questions or business and business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting without further notice, and the members present may compel the attendance of absent members in such manner as shall be prescribed by rules or ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold or disposed of, or private property be taken for public use, unless by a concurring yeas and nays vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted, except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

RULES, YEAS AND NAYS.

SEC. 7. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays when required by one or more members, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative, and all proceedings and votes taken thereat shall be published in one of the newspapers of the city.

FINES FOR NON-ATTENDANCE; DISORDERLY CONDUCT.

SEC. 8. The council may compel the attendance of its members and other officers of the city at its meetings in such manner, and may enforce such fines for non-attendance, as may by ordinance or rules be prescribed; and may by ordinance or resolution prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

**CERTAIN OFFICERS TO ATTEND COUNCIL MEETINGS.**

**SEC. 9.** The city attorney, marshal, street commissioner and chief of the fire department may take part in all proceedings and deliberations of the council on all subjects relating to their respective departments, subject to such rules as the council shall from time to time [time] prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

**COUNCIL TO CONTROL FINANCES AND PROPERTY.**

**SEC. 10.** The council shall have control of the finances and of all property of the city corporation, except as may be otherwise provided by law.

**COUNCIL TO ENACT ORDINANCES.**

**SEC. 11.** Whenever by this act or any other provision of law any power or authority is vested in, or duly imposed upon the corporation or council, the council may enact such ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

**STANDING COMMITTEES OF COUNCIL.**

**SEC. 12.** The council may provide for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.'

**RECORDS, ETC. WHERE FILED.**

**SEC. 13.** The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation, unless required by this act to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept as to be convenient of access and inspection by any inhabitant of the city or other person interested therein, at all seasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure or deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction with intent to prevent the contents or true meaning or import of the same from being known, shall, on conviction thereof, be punished by imprisonment in the State prison not

longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

#### COMPENSATION OF COUNCILMEN.

SEC. 14. No member of the council shall receive any compensation for his services, either as alderman, committeeman or otherwise, except as herein otherwise provided.

#### COUNCILMEN NOT TO BE INTERESTED IN ANY CONTRACT.

SEC. 15. No member of the council or any officer of the corporation shall be interested, directly or indirectly, in the profits of any contract, job, work or service other than official services and day labor, to be performed for the corporation, and any member of the council, or officer of the city, herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

#### REMOVAL OF OFFICERS.

SEC. 16. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect. In case of elective officers other than justices of the peace, provision shall be made, by ordinance, for preferring charges against such officers and trying the same; and no removal of an elective officer shall be made, except by a two-thirds vote of all the aldermen elect and unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

#### PROCEEDINGS IN INVESTIGATING CHARGES.

SEC. 17. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city, is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, before the council, or any committee thereof.

#### WITNESSES; POWER TO SUMMON.

SEC. 18. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come

before them, the presiding officer of the council or the chairman of such committee for the time being shall have power to administer the necessary oaths.

#### ACCOUNTS AND CLAIMS AGAINST THE CITY.

SEC. 19. The council shall audit and allow all claims against the city but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged for have been actually performed or the property delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no off-set exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim, and every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city for personal injuries or otherwise, that it has never been presented, certified to or verified, as aforesaid, to the council for allowance; or if such claim is founded on contract that the same was presented without the affidavit or certificate, as aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

### CHAPTER VIII.

#### STYLE OF ORDINANCES.

SECTION 1. The style of all ordinances shall be, "The City of Hastings ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

#### LIMIT OF PENALTY AND IMPRISONMENT.

SEC. 2. When, by the provisions of this act, the council has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding five hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding six months or both in the discretion of the court, together with the costs of prosecution for each violation of any of said ordinances;

and may provide that the offender, on failure to pay any such fine, penalty or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of the county within which the city is located, or in such other prison or place of confinement in the State as provided by law. Such fine, penalty, forfeiture and imprisonment, for the violation of any ordinance, shall be prescribed therein.

#### VETO POWER OF MAYOR.

SEC. 3. No ordinance or resolution passed by the council shall have any force or effect, if, on the day of its passage, or on the next day thereafter, the mayor, or other officer or person, legally discharging the duties of mayor, shall lodge in the office of the clerk a notice, in writing, suspending the immediate operation of such ordinance or resolution. If the mayor or other officer or person legally exercising the office of mayor, shall, within three days after the passage of any such ordinance or resolution, lodge in the office of the city clerk his reasons in writing, why the same should not go into effect, the same shall not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the council, be passed by a two-thirds vote of all the aldermen elect, exclusive of the mayor or other officer or person legally exercising the duties of the office of mayor, and if so repassed shall go into effect according to the terms thereof. If such reasons shall not be lodged with the clerk as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the council shall go into operation until after the expiration of twenty-four hours after its passage, unless the said mayor, or acting mayor shall approve the same in writing.

#### ORDINANCES, RECORD, REPEAL, ETC.

SEC. 4. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section or part of a section of an ordinance is amended, the whole section, as amended, shall be re-enacted. All ordinances, when approved by the mayor or when regularly enacted, shall be immediately recorded by the clerk of the council, in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

## PUBLICATION OF ORDINANCES.

SEC. 5. Within one week after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and the clerk shall immediately after such publication enter upon the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be prima facie evidence that legal publication of such ordinance has been made.

## JUDICIAL NOTICE OF ORDINANCES AND HOW TAKEN.

SEC. 6. In all courts having authority to hear, try and determine any matter or cause arising under the ordinances of the city, and in all proceedings in the city relating to or arising under the ordinances or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of the city, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings: First, from a copy record thereof kept by the city clerk; Second, from a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; Third, from any volume of ordinances purporting to have been written or printed by authority of the council.

## CHAPTER IX.

## ENFORCEMENT OF ORDINANCES.

## PROSECUTIONS; WHEN TO BE BROUGHT.

SECTION 1. Prosecutions for violations of the ordinances of the city re-incorporated under this act, shall be commenced within two years after the commission of the offense, and shall be brought within the city.

## PENALTY; ACTION IN DEBT FOR, WHEN.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender, upon conviction thereof, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. Whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

## HOW ACTION BROUGHT.

SEC. 3. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

## PROCEEDINGS UNDER WARRANT.

SEC. 4. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases, cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pending of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and in the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace.

## JUDGMENT; PUNISHMENT, COST.

SEC. 4a. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

## EXECUTION OF JUDGMENT.

SEC. 5. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the



judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section two of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment without payment operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

#### USE OF THE COUNTY JAIL.

SEC. 6. The city shall be allowed the use of the county jail for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act, and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by law, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

#### PROCESS; WHO DIRECTED TO.

SEC. 7. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace.

#### ORDINANCES; HOW PLEADED.

SEC. 8. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval. It shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title

and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city, and the resolutions of the council and of the authority of the city to enact the same.

#### RIGHT TO TRIAL BY JURY.

SEC. 9. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons; and in suit commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil cases triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with all the inhabitants of the city in the result of the suit.

#### RIGHT TO APPEAL.

SEC. 10. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Barry, by appeal or writ of certiorari; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and certiorari in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings, by certiorari, into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and certiorari in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security therein. The circuit court when such cause shall be appealed thereto or removed thereto by certiorari, shall also take judicial notice of the ordinances of the city, and the resolution of the council, and of the provisions thereof.

#### FINES; WHERE PAID.

SEC. 11. All fines imposed for violation of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution the officer or person receiving the same shall immediately pay over the money collected to such court or magistrate.

If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

#### PENALTY FOR NEGLECT TO PAY OVER FINES.

Sec. 12. If any person who shall have received any such fine or any part thereof, shall neglect to pay over the same in pursuance of the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor in the name of the city and to prosecute the same to effect. Any person receiving any such fine, who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

#### JURISDICTION OF CIRCUIT COURT.

Sec. 14. The circuit court of Barry county shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed one hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State, and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties shall apply.

#### JURISDICTION OF JUSTICES OF THE PEACE.

Sec. 15. The justices of the peace of the city shall have jurisdiction in all cases mentioned in the preceding section, when the fine or forfeiture imposed shall not exceed one hundred dollars, or when the offender may be imprisoned for a term not exceeding three months.

#### SECURITY FOR COSTS.

Sec. 16. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, and in case the defendant is acquitted shall pay all such costs.

and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city, and the resolutions of the council and of the authority of the city to enact the same.

#### RIGHT TO TRIAL BY JURY.

SEC. 9. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons; and in suit commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil cases triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with all the inhabitants of the city in the result of the suit.

#### RIGHT TO APPEAL.

SEC. 10. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Barry, by appeal or writ of certiorari; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and certiorari in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings, by certiorari, into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and certiorari in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security therein. The circuit court when such cause shall be appealed thereto or removed thereto by certiorari, shall also take judicial notice of the ordinances of the city, and the resolution of the council, and of the provisions thereof.

#### FINES; WHERE PAID.

SEC. 11. All fines imposed for violation of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution the officer or person receiving the same shall immediately pay over the money collected to such court or magistrate.

If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

#### PENALTY FOR NEGLECT TO PAY OVER FINES.

SEC. 12. If any person who shall have received any such fine or any part thereof, shall neglect to pay over the same in pursuance of the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor in the name of the city and to prosecute the same to effect. Any person receiving any such fine, who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

#### JURISDICTION OF CIRCUIT COURT.

SEC. 14. The circuit court of Barry county shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed one hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State, and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties shall apply.

#### JURISDICTION OF JUSTICES OF THE PEACE.

SEC. 15. The justices of the peace of the city shall have jurisdiction in all cases mentioned in the preceding section, when the fine or forfeiture imposed shall not exceed one hundred dollars, or when the offender may be imprisoned for a term not exceeding three months.

#### SECURITY FOR COSTS.

SEC. 16. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, and in case the defendant is acquitted shall pay all such costs.

But he shall not be liable for the payment of the costs if the magistrate before whom the complaint is made, or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint.

## CHAPTER X.

### GENERAL POWERS OF THE CITY.

SECTION 1. The city of Hastings, in addition to such other powers as are conferred by this act, shall have the following general powers and authority, and the common council of said city may enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations in relation thereto, and for the exercise of the same, as they may deem desirable.

First, To restrain vice and immorality, gambling, noise and disturbance of the public peace, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation and its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards and persons found drunk in any of the public streets, or places in the city, disorderly persons and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same; and generally to determine and declare what shall be deemed nuisances;

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Fifth, To regulate, license, or prohibit and suppress billiard tables, nine or ten-pin alleys or tables, and ball alleys, and to punish the keepers thereof;

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purposes of gaming;

Seventh, To prohibit and suppress ale, beer, and porter houses, and all places of resort for tipping and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and require all such

places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

**Eighth,** To regulate, license, in addition to the State license for the same, prevent or prohibit all saloons in which spirituous, fermented or intoxicating liquors are sold as a beverage and to regulate and prescribe the location of such saloons, and to require all persons engaging in the business of conducting a saloon where spirituous, fermented or intoxicating liquors are sold to furnish a bond in such sum as may be required for the faithful observance of all lawful rules and regulations made concerning the conducting of said business, and may revoke any license granted for the violation or non-observance of such rules and regulations, and said corporation may, if deemed desirable, absolutely prevent or prohibit the sale of spirituous, fermented or intoxicating liquors as a beverage within said city. To limit and restrict the number of saloons or places for the sale or furnishing of such liquors that may be licensed or maintained within the city, and to prescribe appropriate fines and penalties for the violation of such regulations as may be imposed thereunder;

**Ninth,** To regulate, restrain, prohibit or license all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of every name or nature, for which money or other reward is in any manner demanded or received, lectures or historic, literary, religious or scientific subjects excepted;

**Tenth,** To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled at any time for any lawful purpose, and to require all places of business to be closed on the Sabbath day;

**Eleventh,** To license auctioneers, auctions, and sales at auctions; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys or upon any public ground within the city; to regulate or prohibit the sales of goods, wares, property or anything at auction, or by any manner of public biddings or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by or to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

**Twelfth,** To license hawkers, peddlers and pawnbrokers, and hawking and peddling; and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device in or upon the streets, highways, alleys, sidewalks, or in any of the open places or spaces, public grounds or buildings in the city;

**Thirteenth,** To regulate and license all taverns, hotels, houses of public entertainment; all saloons, restaurants, and

eating houses, and all places where tobacco, cigars, and any beverages are kept for sale;

Fourteenth, To license and regulate all vehicles of every kind, used for the transportation of persons or property for hire in the city;

Fifteenth, To regulate the inspection, weighing, and measuring of brick, lumber, fire wood, coal, hay, and any article of merchandise;

Sixteenth, To provide for the inspection and sealing of weights and measures;

Seventeenth, To enforce the keeping and use of proper weights and measures by vendors;

Eighteenth, To regulate the construction, repair and use of all vaults, cisterns, areas, hydrants, pumps, sewers and gutters;

Nineteenth, To prohibit and prevent in the streets and elsewhere in said city any indecent exposure of the person, or show, sale or exhibition for sale of indecent or obscene pictures, drawing, engraving, painting; and books and pamphlets, and all indecent or obscene exhibitions and shows of every kind;

Twentieth, To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city;

Twenty-first, To provide for clearing the streams, ponds and waters of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive, or drawing the water therefrom at such times and to such an extent as to make the localities near them unhealthy, or cause the atmosphere in their vicinity to be unwholesome or offensive;

Twenty-second, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, hog-pen, or other offensive, nauseous or unwholesome structure, place or house, to cleanse, remove or abate the same, whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;

Twenty-third, To direct and regulate the construction of cellars, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or connect the same with any public sewer adjacent thereto, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, barn, private drain, sink or privy thereon;

Twenty-fourth, To prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use or practice the same, and all persons aiding in the maintenance, management or practice thereof;



Twenty-fifth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, automobiles and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Twenty-sixth, To provide for the protection and care of paupers and poor persons in the city and to prohibit and prevent from bringing to the city from any other place any pauper or other person likely to become a charge upon said city, and to punish therefor;

Twenty-seventh, To provide for taking the census of the inhabitants of the city whenever the council shall see fit; and to direct and regulate the same;

Twenty-eighth, To regulate the keeping, storing, selling, and using of gun powder, fire crackers, fire works, kerosene, gasoline, or other combustible oils and material, and the exhibition of fire works, and the discharge of fire arms, and to regulate and prohibit the making and the lighting of fires in the streets or other open spaces in the city; and to regulate the use of lights in barns, stables, and other buildings, and to make such other rules and regulations concerning explosives and inflammable materials as may be necessary for the safety and welfare of the city and its inhabitants;

Twenty-ninth, To appoint, regulate and license scavengers, chimney sweeps, and fix their fees and compensation and prescribe their rights and duties;

Thirtieth, To provide for and regulate the inspection and sale of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and other provisions; and to establish and regulate markets and market places; to prescribe the time for opening and closing the same, the kind and description of articles which may be sold, and the stands and places to be occupied by the vendors; and to adopt and enforce all such rules and regulations as may be necessary to prevent fraud and to preserve order in the markets; and to authorize and direct the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any article in his or their possession; and to authorize the seizure and destruction of tainted or unsound meats or vegetables or other provisions, exposed for sale therein, or anywhere else in the city;

Thirty-first, To provide for the issuing of licenses to the owners and keepers of dogs and to compel the owner and keepers thereof to pay for and obtain such licenses; and to regulate and prevent the running at large of dogs, to require them to be muzzled, and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city;

Thirty-second, To prohibit any person from bringing or depositing within the limits of the city any dead carcasses or

other unwholesome or offensive substance, and to require the removal and destruction thereof; and if any person shall have on his premises such substances, or any putrid meats, fish, hides and skins of any kind, and on his default to remove or destroy the same, to authorize the removal and destruction thereof as a public nuisance by some officer of the city;

Thirty-third, To regulate the ringing of bells and the crying of goods and other commodities at sale at auction, and to prevent disturbing noises in the streets, sidewalks, and other public places in the city;

Thirty-fourth, To regulate and establish the line upon which buildings may be erected on any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner, builder, or workman violating this provision; and to prevent the erection and provide for the removal of all buildings deemed unsafe;

Thirty-fifth, To prevent and punish horse racing and immoderate driving or riding in any street, lane, park, or alley, or over or across any bridge in the city, and to authorize the stopping and detaining of any person, who shall be guilty of immoderate driving or riding in any street, lane, park or alley, or over or across any bridge in said city; and to prevent any person from riding or driving upon or across any sidewalk or parking;

Thirty-sixth, To regulate the vending of hay, wood, meats, vegetables, fruits, fish, and provisions of all kinds, and to prescribe the time and place for selling the same; to prohibit the sale of unwholesome meat, poultry, fish, vegetables or other articles of food, or provisions, or the knowingly keeping or offering the same for sale; and to authorize the seizure and destruction of tainted or unsound meats, vegetables, fruit, fish and other provisions exposed for sale: *Provided*, Nothing herein contained shall authorize the council to restrict in any way the sale of fresh and wholesome meats by the quarter or carcass within the limits of the city;

Thirty-seventh, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks;

Thirty-eighth, To provide for and regulate the lighting of the streets, alleys and public places; to establish and maintain a lighting plant and to sell and dispose of electricity, gas or other lighting forces, upon such terms as shall be deemed just and reasonable by the common council; to regulate the setting of lamps and lamp posts, and provide for the protection and safety of the same; and to regulate the placing and using of all telegraph, telephone and electric light posts, poles and wires;

Thirty-ninth, To provide for the testing of any electric lights or gas lights furnished to said city or its inhabitants by any individual or corporation, and to require that said lights shall be maintained and kept at the candle power specified under the ordinance or contract by which said lights are furnished and to punish for failure to furnish any lights not up to the standard and to repeal and revoke the franchise under which any such corporation is acting, and to repeal said franchise and to provide for the forfeiture of all rights thereunder;

Fortieth, To require the owner or occupant of any building or structure, that may be ruinous or liable to fall, and injure persons or property, to pull down or remove the same; and to authorize the same to be done by the officers of the city at the expense of the owners thereof;

Forty-first, To sell or otherwise provide for disposing of all dirt, filth, manure and debris lying in or gathering from the highways, streets, avenues, lanes, alleys or public places; and of all earth to be removed therefrom or from the public squares and grounds of said city, in grading, paving or otherwise improving the same;

Forty-second, To provide grounds and places, either within or without the city, on which to deposit the rubbish, garbage and refuse material in and about the city, and to require the owners or occupants of any lot, building, or premises in the city to remove therefrom any and all rubbish, garbage, and refuse material found thereon or therein, and to deposit the same on such grounds;

Forty-third, To control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used, and to provide for the preservation and prevention of wilful injury to gutters in said highways, streets, lanes and alleys;

Forty-fourth, To prevent, control and regulate the exhibition of signs in canvas or otherwise in and upon any vehicle standing or traveling upon the streets of said city; to regulate, prevent or prohibit the extension of signs over any of the walks, crosswalks or streets of said city;

Forty-fifth, To prohibit all practice, amusements and doings in said streets having a tendency to frighten teams or horses, or dangerous to life or property;

Forty-sixth, To prohibit and punish the use of toy pistols, sling shots and other dangerous toys or implements within said city;

Forty-seventh, To require any horse, mule or other animal attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held;

Forty-eighth, To provide for the care, custody and preservation of the public property of the city;

Forty-ninth, To provide for, establish, regulate and preserve all such public fountains and reservoirs within the city

as in the opinion of the council, the convenience of the inhabitants may require; and also all such troughs and basins for watering animals as may be deemed proper;

Fiftieth, To regulate, compel and control the erection of fire escapes on all public buildings in said city and in all buildings wherein the public may congregate or public assemblages of any kind are held and to regulate and control the number of exits and the construction thereof;

Fifty-first, To determine and regulate the construction or division of partition fences and all partition walls; the walls of buildings and their thickness; to regulate the construction of chimneys, hearths, fire places and fire arches, ovens and putting up of stovepipes, kettles, boilers or any structure or apparatus that may be dangerous in causing or promoting fires, to compel and regulate the cleaning of chimneys and flues, and to fix the fees therefor, and to compel and regulate the construction of ash houses, or depositories to guard against fires, to compel the owners of buildings to have scuttles in the roof thereof and ladders leading thereto; to authorize the proper officers to examine all buildings and enclosures, to discover whether the same are in a dangerous or unwholesome state, and to cause such as are dangerous or unwholesome to be put in a safe and wholesome condition; to authorize the officers of the city to keep all suspicious persons away from the vicinity of fires, and to compel persons to aid in the extinguishment of fires, and the preservation of property exposed to danger therefrom, and all buildings usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council shall make, with a view to the protection of any person or property from fire or for the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

Fifty-second, To determine and designate the route and grade of any railroad to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines and cars upon the railroads within said city, and to compel the railroad companies, their officers, agents, managers and employes to station flagmen at any street crossing and to prescribe the length of time that engines or cars may stand upon such streets or otherwise obstruct them and to prohibit the same, and to make such other rules and regulations concerning the same as to secure safety of citizens or other persons;

Fifth-third, To construct, maintain and keep in any of the streets of said city, tracks suitable for the use of street cars, urban or interurban, so-called, and to permit the use of such tracks by said cars, and to exact toll or compensation for the use thereof, and to make all needful rules and regulations concerning the same in the interests of public travel;

Fifty-fourth, And further, the council shall have authority to require all thistles, burdocks, yellow docks and other ob-

jectionable weeds found growing on any public or private property within the city limits to be destroyed; but before entering upon any private property for the purpose of destroying the weeds mentioned herein, the council shall cause a notice, written or printed, or partly written and partly printed, to be served on the owner or occupant of said property, requiring the destruction within five days after service of such notice. If no service of such notice can be had upon the owner or occupant, then it shall be sufficient to post the same in some conspicuous place on the premises, and the cost of removing such weeds shall be paid from the city treasury and the same assessed against the property in the next general assessment roll of the city;

Fifty-fifth, And further, the council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; and to provide means for paying its liabilities and defraying the contingent expenses of the city, subject only to the limitations and restrictions in this act contained; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever;

Fifty-sixth, To fix and regulate the fees of jurors and witnesses in any proceeding under this act or under any ordinance of the council;

Fifty-seventh, To compel by resolution or ordinance all or any wires now used or to be used for the conveyance of electricity, and any or all telegraph or telephone wires to be placed under ground and to prescribe the manner and depth at which they shall be so placed and to prohibit any and all persons, companies or corporations from placing or maintaining any wire or wires for the conveyance of electricity and any telephone or telegraph wires above ground in any part or parts of said city, or in any street, lane, alley, highway, or other public place therein, and to compel the removal of all telegraph, telephone or electric light poles and wires now on or in the public streets or alleys of said city, or other public places.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such a reasonable sum for any license as they may deem proper. The persons receiving the license shall, before the issuing thereof, execute a bond to the corporation, when required by the council, in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation, and the ordinances of the council and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and con-

ditions upon which it was granted, or on account of any violation of any ordinance or regulations, passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payment made for such licenses.

SEC. 3. No license shall be granted for any term beyond the first day in May next thereafter, nor shall any license be transferable, and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

SEC. 4. All sums received for licenses granted to any person by the city or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

SEC. 5. The council of the city shall have authority to permit any railroad company or street railway company to lay its tracks, and operate its road with steam, electric or other power in or across the streets, highways, and public alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe, and to prohibit the laying of such tracks or the operation of any such road, except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: *Provided*, That no franchise for the use or occupancy of any street for any purpose shall be granted to an individual, company, or corporation, except by a two-thirds vote of all the aldermen elect, nor shall any such franchise be granted for a period exceeding thirty years.

SEC. 6. The council shall have power to provide for and change the location and grade of street crossings, or any railroad track, and to compel any railroad company or street railway company to raise or lower their railroad track, to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner and with such protection to persons crossing thereat, as the council may require, and to keep them in repair; also, to require and compel railroad companies to keep flagmen and watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains and street railways within the city; but such speed shall not be required to be less than six miles per hour; and to impose a fine of not less than five dollars nor more than fifty dollars, upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains, and may provide penalties by imprisonment not exceeding ninety days

for any engineer, conductor, or other railroad employe in addition to the fine hereinbefore specified.

SEC. 7. The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair, such ditches, drains, sewers, and culverts, along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly; and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause.

SEC. 8. The council is authorized to enact all such ordinances and by-laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of said partition fence to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences, and the council may appoint fence viewers and prescribe their duties and mode of proceeding in all cases relative to partition fences in said city.

#### SUPPORT OF POOR.

SEC. 9. The council may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties and vest him with power and such authority as may be proper for the exercise of his duties.

### CHAPTER XI.

#### POLICE.

##### POLICE FORCE.

SECTION 1. This council may provide by ordinance for a police force, and for the appointment by the mayor, by and

with the consent of the council, of such number of policemen and night-watchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity may so require.

#### TEMPORARY POLICE.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectively preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. The mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

#### MARSHAL, CHIEF OF POLICE.

SEC. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the supervision and superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council.

#### POWERS AND DUTIES OF.

SEC. 4. It shall be the duty of the police and night-watchmen and officers of the force under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, and laws of the State, to suppress all riots, disturbances and breaches of the peace, and to pursue and arrest any person fleeing from justice in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State or the ordinances of the city, involving a breach of the peace, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare, as the council may ordain;



and to serve all process directed or delivered to them for service, and for such purposes, the chief of police, and every policeman and night-watchman, shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any ordinance of the city involving a breach of the peace, or of committing any crime against the laws of the State. The chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, may be served by a constable.

#### FEEs AND COMPENSATION OF.

SEC. 5. When employed in the service of process, policemen shall receive the same fees therefor as are allowed to constables for like services. When otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each: *Provided*, No such report need be made in civil cases wherein the city is not a party.

#### SUSPENSION OF.

SEC. 6. The mayor may suspend or remove any policeman or night-watchman for neglect of duty, misconduct or other sufficient cause, as provided for in chapter six, section three of this act.

### CHAPTER XII.

#### CITY PRISON.

##### COUNCIL MAY PROVIDE FOR PRISON.

SECTION 1. The council shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

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**PERSONS CONFINED TO HARD LABOR.**

**SEC. 2.** All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

**CHAPTER XIII.****PUBLIC HEALTH.****ORDINANCES TO PROTECT PUBLIC HEALTH.**

**SECTION 1.** The council may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious or contagious diseases within the city, or within one mile thereof; and for the removal of the persons having such diseases, or who, from exposure thereto or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city limits as the council may prescribe, or the public safety may require.

**ORDINANCES TO ABATE NUISANCES.**

**SEC. 2.** The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation or company, causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

**CELLARS, VAULTS AND FILTHY PLACES.**

**SEC. 3.** If any cellar, vault, lot, sewer, drain, place or premises within the city shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended or purified; or may require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty, and may require the owner or occupant of any building, fence or structure, which may be dangerous or

liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

#### RECOVERY OF EXPENSES, ETC.

SEC. 4. If any person, corporation or company, shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation or company. And in all cases where the city shall incur any expenses for drainage, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof, as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

#### LOCATION OF OFFENSIVE TRADES.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within the city, for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned and may change or revoke such assignments at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

#### HOSPITALS; PROVISIONS FOR.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, pest houses or quarantine buildings, either within or without the city limits, and provide for the appointment of the necessary officers, attendants or employes, for the care and management thereof, and for the care and treatment therein, of such sick and diseased persons as to the council or board of health of the city shall seem proper; and by direction of

the council or board of health, persons having any malignant, infectious or contagious disease, or who have been exposed to such disease, may be removed to such hospital, pest house, or quarantine buildings, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital, pest house or quarantine buildings until duly discharged.

#### POWERS OF BOARD OF HEALTH.

SEC. 7. The board of health herein provided for shall have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the Compiled Laws of eighteen hundred seventy-one, and all amendments thereto, being chapter thirty-nine of Howell's annotated statutes of the State of Michigan, so far as the same are applicable and consistent with this act; and the council may enact such ordinances as may be proper for regulating the proceedings and mode of exercise of such powers and authority.

#### BOARD OF HEALTH; WHO TO BE.

SEC. 8. The mayor, city clerk and city physician shall constitute a board of health in and for the city of Hastings, and the council may provide rules for its government, and invest it with power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the Compiled Laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health, or any officer thereof.

#### CEMETERIES.

SEC. 9. The council shall have power to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof, and the appurtenances thereto.

## CHAPTER XIV.

### PUBLIC POUNDS.

#### CITY MAY OWN POUNDS.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint poundmasters, prescribe their powers and duties, and fix their compensation; and may authorize the impounding of all beasts and fowls found in the streets or otherwise at large contrary to any ordinance of the city; and if there shall be no pound or poundmaster, they may provide for the impounding of such beasts and fowls, by the city marshal, in some suitable place under his immediate care and inspection, and may confer upon him the powers and duties of poundmaster.

#### FEES FOR IMPOUNDING.

SEC. 2. The council may also prescribe the fees for impounding and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts or fowls impounded; and may authorize the sale of such beasts and fowls for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

## CHAPTER XV.

### CITY MARKETS.

#### REGULATION OF.

SECTION 1. The council shall have power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the time for opening and closing the same; the kind and description of articles which may be sold, and the stands and places to be occupied by the vendors. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets, and may authorize the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other unwholesome provisions exposed for sale therein.

## CHAPTER XVI.

### PUBLIC BUILDINGS, GROUNDS AND PARKS.

#### CITY MAY ACQUIRE BUILDINGS, LANDS, ETC.

SECTION 1. The city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary and convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased and disposed of as occasion may require.

#### BUILDINGS BEYOND CITY LIMITS.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, workhouses and other necessary public uses, may be purchased, erected and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce, beyond the city limits, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for management and control of the persons kept or confined in such prison, workhouses or hospitals.

#### TO VACATE AND PROTECT PARKS.

SEC. 3. The council shall have authority to lay out, establish and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light and ornament the same and to regulate the care thereof and to protect the same and the appurtenances thereof from obstructions, encroachments and injury, and from all nuisances.

## CHAPTER XVII.

### SEWERS, DRAINS AND WATER COURSES.

#### CONSTRUCTION OF.

SECTION 1. The council may establish, construct and maintain, whenever and wherever necessary, and of such

dimensions and materials and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such private property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

#### COMMITTEE ON SEWERS TO HAVE CONTROL.

SEC. 2. The committee on sewers shall have the management, supervision and control of the sewers, sewerage system and drainage of the city, and the charge of their construction, subject to the general direction and approval of the council as herein provided, and the council may by ordinance prescribe the powers and duties of said committee relating to all matters connected with sewers, sewerage system and drainage of the city.

#### COUNCIL TO INSTRUCT THE COMMITTEES.

SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city or for any part thereof, it shall be their duty to instruct and direct the committee on sewers to devise, or cause a plan of such sewerage or drainage to be devised for the whole city, or for such part thereof as they shall determine.

#### PLAN TO BE FORMED.

SEC. 4. Such plan shall, in the discretion of the committee on sewers, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered or named and so arranged as to be as nearly independent of each other as may be. Plats and diagrams of such plan, when completed, shall be submitted to the council, and when adopted by the council shall be filed in the office of the city clerk.

#### MAIN SEWER DISTRICTS MAY BE DIVIDED.

SEC. 5. Main sewer districts may be divided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the committee on sewers, subject to the approval of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such land as in the opinion of the committee on sewers, subject to the approval of the council, will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

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**MAIN TRUNK SEWER.**

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, and may direct the committee on sewers to prepare diagrams, or plats thereof, which, when approved by the council, shall be recorded in the office of the city clerk, in a book of sewer records.

**COST OF TRUNK SEWERS.**

SEC. 7. The cost and expense of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid from the general contingent or sewer fund, excepting such portion thereof as the council shall deem to be of benefit to adjacent private property, which property shall be described and the benefits thereto determined, assessed and taxed in the same manner as hereinafter provided. Such part as the council shall determine, of the cost and expense of any main district sewer, or of the cost of any lateral sewer, branch or local sewer constructed within a special sewer district, shall be paid from the general contingent or sewer fund, and the remainder of such costs and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits, accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits, as aforesaid shall be made without reference to any improvements or buildings upon the lands.

**DIAGRAM OF SEWER.**

SEC. 8. Before proceeding to the construction of any sewer, the council shall cause the committee on sewers to prepare, or cause to be prepared a diagram and plat of the whole sewer district, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer; and the depth, grade and dimensions thereof, and shall procure an estimate of the costs thereof, and thereupon the council shall give notice, by publication, for at least two weeks, in one or more of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the committee and the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.



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**COUNCIL TO DETERMINE BY RESOLUTION.**

**SEC. 9.** When the council shall determine to construct any such sewer, they shall so declare by resolution designating the district and describing by reference to the plat and diagram thereof, mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general contingent or sewer fund, and what part shall be defrayed by special assessment according to benefits; and they shall cause such plat and diagram, as adopted, to be recorded in the office of the city clerk, in a book of sewer records.

**SUPERVISOR TO MAKE SPECIAL ASSESSMENTS.**

**SEC. 10.** Special assessments for the construction of sewers shall be made by the supervisor in whose assessing district the sewer district shall be, in the manner provided in this act for making special assessments.

**OWNERS OF A MAJORITY OF LAND MAY PETITION.**

**SEC. 11.** When the owner or owners of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands included in the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

**COUNCIL MAY CONSTRUCT PRIVATE DRAINS, ETC.**

**SEC. 12.** Whenever the council shall deem it necessary for the public health, they may require the owners or occupants of lots and premises to construct private drains or sewers therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises, and to keep such private drains or sewers in repair and free from obstruction and nuisance; and if such private drains or sewers are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of the owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon in the manner hereinafter provided for the levying and collecting of special assessments.

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**CONNECTION OF PRIVATE WITH PUBLIC SEWERS.**

**SEC. 13.** The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains or sewers, with the public drains and sewers, under such rules and regulations as the council shall prescribe.

**EXPENSES OF IMPROVEMENTS; HOW PAID.**

**SEC. 14.** Such part of the expense of providing ditches and improving water courses, as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

**EXPENSES OF REPAIRING; HOW PAID.**

**SEC. 15.** The expense of repairing public sewers, ditches and water courses may be paid from the general contingent or sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein provided for paying the expenses of the construction thereof.

**PROTECTION OF SEWERS.**

**SEC. 16.** The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

**CHAPTER XVIII.****STREETS AND PUBLIC GROUNDS.****COUNCIL TO HAVE CONTROL OF.**

**SECTION 1.** The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in repair, and free from nuisance. The city shall not be liable in damages sustained by any person in the city either to his person or property by reason of any defective street, sidewalk, crosswalk, or public highway, or by reason of any obstruction, ice, snow or other incumbrance upon such street, sidewalk, crosswalk or public highway, situated in the city unless such person shall serve, or cause to be served, within sixty days after such injury shall have occurred, a notice in writing upon the clerk or the deputy clerk of such city, which notice shall set forth substantially the time when and the place where such injury took place,

the manner in which it took place or occurred, and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. The city shall not be responsible for the care, improvement or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked and used by the public as a street or alley before the re-incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such re-incorporation, unless the council by an ordinance or resolution specially passed for that purpose.

#### OPENING, EXTENDING AND IMPROVING.

SEC. 2. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessment as aforesaid, and the balance from the general street fund.

#### PROCEDURE TO DISCONTINUE OR VACATE.

SEC. 3. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting with a copy of such resolution shall be published for not less than two weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

#### BOOK OF STREET RECORDS.

SEC. 4. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the city

clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by the council, to be recorded in like manner; and such record shall be prima facie evidence of the existence of such streets, alleys or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground, shall also be recorded in said book of street records, and the record shall be prima facie evidence of all matters therein set forth.

#### GRADES; HOW ESTABLISHED.

SEC. 5. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such street, alley or public grounds to be made and constructed in conformity with such grade and upon such line as shall be prescribed by the council; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

#### EXPENSE OF GRADING, ETC., HOW PAID.

SEC. 6. Whenever any street, alley or public ground or highway shall have been graded or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

#### WHEN GRADES ONCE ESTABLISHED.

SEC. 7. Whenever the grades of any street or sidewalk shall have been heretofore, or shall hereafter be established, and improvement shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be ascertained by a jury as provided in chapter twenty-one of this act, or said damages may be ascertained

and agreed upon by and between the city and the owner or occupant of such premises. Whenever such damages shall be ascertained or agreed upon as heretofore provided, such damages, or such part thereof as the council shall deem equitable and just, shall be paid by the city, or the council may cause such damages, or such part thereof as may be equitable and just, to be assessed upon the real estate which may be benefited by reason of the change of such grade, and whenever the council shall determine to assess such damages, or any part thereof, upon the property benefited, it shall determine and define a district in the city which in its judgment is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion as nearly as may be to the advantage or benefit each lot, parcel or subdivision is deemed to acquire by the improvement out of which such damages arise, but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited in the grading and improvement of streets, as provided for in this act; and all of the provisions of chapter twenty of this act, relative to special assessments and the collection thereof, shall apply thereto. Such damages, when collected as aforesaid, and when determined upon by said city, shall be paid to the person entitled thereto.

#### PAVING AND IMPROVEMENTS.

SEC. 8. The council shall have power to grade, pave, plank, gravel, curb and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the city into street districts. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing. Whenever any paving has been ordered upon any street or public highway in the city, it shall be the duty of any person owning any lot or lots, lands or premises adjoining to, or abutting upon such street, before the same shall be paved, to put in and lay all such sewer, water and gas connections in front of their lands and premises, and carry the same from the pipe in such street to and beyond the curb line of such proposed pavement, as the council shall determine to be necessary for the preservation of such proposed paving, when the same shall be laid and put down, and such connection shall be laid, made and put in in the manner and at the time or times, as shall be directed by the council. In case the owner of such lot or lots, lands or premises shall neglect or refuse to make, lay or put in such connections at the time or in the manner

prescribed by the council, then the council shall cause the same to be made, laid or put in, and the respective owners of such lots, lands or premises shall be liable for the cost thereof, together with ten per cent in addition thereto as a penalty to be recovered by the city in an action of debt or assumpsit, or the costs together with the amount of such penalty for which such persons shall be respectively responsible and liable, the council shall cause to be reported to the supervisors, to be levied and assessed by them as a special tax or assessment upon such lot or lots, lands or premises, in the manner provided for in section four, chapter nineteen of this act, in case of special assessment for rebuilding and keeping in repair sidewalks in the city.

#### EXPENSES, HOW PAID.

SEC. 9. Such part of the expenses of improving any street, lane or alley, by grading, paving, planking, graveling, curbing or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund or from the street district fund of the proper street district, or in part from each; or the whole, or such part of the expenses of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement.

#### PUBLIC BUILDINGS OR GROUNDS INCLUDED. EXPENSES HOW PAID.

SEC. 10. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city fronting upon such improvement, such part of the expense of such improvement as in the opinion of the council would be justly apportionable to such city property and to any interior squares or spaces formed by the intersection of streets, shall be paid from the general street fund, or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such expenses shall be assessed upon the lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated resulting benefits thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size

of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council may assess such lot for such number of feet frontage as in their opinion will be just.

#### OBSTRUCTIONS IN STREET.

SEC. 11. The council shall have the power to prohibit and prevent obstructions and encumbrances in, and encroachments upon the public highways, streets and alleys of the city, and to remove the same, and to punish those who shall obstruct, encumber, encroach or maintain any encroachment upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, encumbrance and encroachment.

#### SHADE TREES.

SEC. 12. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof; and may light the public places and streets, and regulate the setting of lamp posts therein, and protect the same.

#### REMOVAL OF SOIL FROM STREETS.

SEC. 13. The council may regulate the making of all openings in, and removals of the soil of public streets and for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings, and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

#### COUNCIL TO REGULATE USE OF STREETS.

SEC. 14. The council may regulate the use of the public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or designate the places where loads of wood, coal, hay and other articles may stand for sale, to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements and banners, awning posts and telegraph, telephone or light poles and wires in or over the streets; to prohibit immoderate riding or driving in the streets or over the bridges; to regulate or prohibit all such sports, amusements, proceedings and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at

large of beasts and fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets, and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof; and to promote the general welfare. And in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city, as are conferred by law upon highway commissioners in townships.

## CHAPTER XIX.

### SIDEWALKS.

#### COUNCIL TO HAVE CONTROL OF.

SECTION 1. The council shall have control of all sidewalks in the public streets and alleys in the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to build, maintain and keep in repair sidewalks and crosswalks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks.

#### PROPERTY OWNERS TO BUILD WALKS.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall by ordinance or resolution prescribe the expense thereof to be paid by such owner or occupant; or the council may, by a two-thirds vote of all the aldermen elect, pay such part of the expense of building or rebuilding such walk, as they may deem proper, from the general street fund, or from the street district fund of any street district in which such walk may be located: *Provided*, That when a walk shall be once built according to a grade established by the council, the owner shall not again be chargeable for such construction in case a grade for such walk shall be changed by the council.



## SNOW AND ICE.

Sec. 3. The council shall also have power, either by ordinance or resolution, to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot or premises, and to keep the same free from obstructions, encroachments, encumbrances, filth, and other nuisances: *Provided*, That the council may, by a two-thirds vote of all the aldermen elect, provide by ordinance or resolution for the removing of all ice and snow therefrom, and for keeping the same free from encumbrances and pay the expense thereof from the general street fund, or from the street district fund of any district in which the same may be located.

## IN CASE OWNER REFUSES TO BUILD, ETC.

Sec. 4. If the owner or occupant of any lot or premises shall fail to build, rebuild, or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, encumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be built, rebuilt or repaired, and the expense, or such part thereof, as the council shall have determined, shall be charged to such owner or occupant, and the council may cause the amount of such expenses incurred thereby, for which owner or occupant shall have become liable, to be reported to the supervisor in whose district said sidewalk shall be located, to be levied by him as a special tax or assessment upon the lots or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review, after proper notice is given as in all other cases of special assessments provided for by this act, and such tax, when confirmed, shall be a lien upon such lot or premises the same as other special assessments, and the council shall order the supervisor in whose district such lot or premises are situated, to spread said amount, together with a penalty of ten per cent upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other city taxes, or the city may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

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**SIGNS, POSTS, AWNINGS, ETC.**

**SEC. 5.** The council shall have power to regulate and prohibit the placing of signs, sign posts, awnings and awning posts, and other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same; and to prohibit and prevent obstructions, encumbrances or other nuisances upon the walks.

**CHAPTER XX.****COSTS OF PUBLIC IMPROVEMENTS.****SPECIAL ASSESSMENTS; HOW PAID.**

**SECTION 1.** The cost and expense of the following improvements, including the necessary lands therefor, namely: For city hall and other public buildings and offices for the use of city officers, engine houses and structures for the fire department, for water works, for lighting purposes, hospitals, quarantine grounds or pest houses, market houses and spaces, cemeteries and parks, watch houses, city prisons and workhouses, shall be paid from the proper general funds of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

**ASSESSMENTS; WHO TO MAKE.**

**SEC. 2.** Special assessments authorized by this act shall be made by the supervisor in whose assessing district or supervisor district the special assessing district may be. If the supervisor, whose duty it is to make such special assessment, shall be interested in such special assessment as directed by the council, they shall appoint some other person to act in the stead of such supervisor who shall make such assessment.

**DUTY OF COUNCIL.**

**SEC. 3.** When the owners of a majority of the lands liable to be assessed in any special assessment district, or part of the city which may be constituted a special assessment district, shall petition the council for any public improvement except sewers, the council shall order such improvement to be made. In other cases public improvements shall be made

in the discretion of the council. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement and what part or portion of the expenses thereof shall be paid by special assessment, and what part, if any, shall be apportioned from the general funds of the city or from the street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

#### NOTICE OF PUBLIC IMPROVEMENT.

SEC. 4. Before ordering any public improvement or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered, except by the concurrence of two-thirds of the aldermen elect.

#### SPECIAL ASSESSMENTS NOT TO EXCEED TWENTY-FIVE PER CENT.

SEC. 5. The cost and expense of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and cost of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding tax roll; any cost exceeding that per cent which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

#### WHEN ASSESSMENT SHALL BE MADE.

SEC. 6. Special assessments to defray the estimated cost of any improvement shall be levied before the making of the improvement.

#### ASSESSMENT; HOW MADE.

SEC. 7. When any special assessment is to be made pro rata upon the lots and premises in any special district, according to frontage or benefits, the council shall, by reso-

lution, direct the same to be made by the supervisor in whose assessing district the improvement may be, and shall state therein the amount to be assessed and whether according to frontage or benefits; and describe or designate the lots and premises or locality constituting the district to be assessed.

#### UNKNOWN OWNERS.

SEC. 8. Upon receiving such order and directions, the supervisor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment, and if the several descriptions thus to be assessed in any special assessment district shall extend into more than one supervisor district of the city, two rolls shall be made, one for each supervisor district. In all cases where the ownership of any description is unknown to the supervisor, he shall, in lieu of the name of the owner, insert the name "Unknown;" and if by mistake or otherwise, any person shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner, such assessment shall not, for any such reason, be vitiated, but shall, in all respects, be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and when the assessment roll shall have been confirmed, be a lien on such lot, parcel of land or premises, and collected as in other cases.

#### SUPERVISOR TO REPORT TO THE COUNCIL.

SEC. 9. If the assessment is required to be according to frontage, the supervisor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied, as the length of the front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, he shall assess upon each lot such relative portion of the whole sum to be levied, as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When the supervisor shall have completed the assessment, he shall report the same to the council, such report to be signed by the supervisor, may be in the form of a certificate, indorsed on the assessment roll, as follows:

State of Michigan, } ss.  
County of Barry. }

**To the Council of the City of Hastings:**

I hereby certify and report that the foregoing is the special assessment roll, and the assessment made by me, pursuant to a resolution of the council of said city, adopted (give date), for the purpose of paying that part of the cost which the council decided should be paid and borne by special assessment for the (here insert the object of the assessment); that in making such assessment, I have, as near as may be, and according to my best judgment, conformed in all things to the directions contained in the resolution of the council hereinbefore referred to, and the charter of the city relating to such assessments.

**Dated**.....

**Supervisor.**

## IMPROVEMENT FOR A SINGLE LOT OR PARCEL.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the council in such manner as they shall prescribe. And the provisions of the preceding section of the chapter with reference to special assessments generally, and the proceedings necessary to be had before making the improvement, shall not apply to assessments to cover the expenses incurred, in respect to that class of improvements contemplated in this section.

**COUNCIL TO DETERMINE AMOUNT.**

**SEC. 11.** The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the person chargeable therewith, respectively, to be reported by the city clerk to the supervisor for assessment.

## SUPERVISOR TO MAKE ASSESSMENT ROLL.

SEC. 12. Upon receiving the report mentioned in the preceding section, the supervisor shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to him, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed, as aforesaid, to be levied upon each of said lots or premises respectively, and when completed, he shall report the assessment to the council, and all the several assessments in each assessing district shall be kept separate the same as is required in section eight of this chapter.

## FILING OF ROLL, NOTICE, OBJECTIONS.

SEC. 13. When any special assessment roll shall be reported by the supervisor to the council, as in this chapter directed, the same shall be filed in the office of the city clerk and numbered consecutively. Before adopting such assessment, the council shall cause notice to be published two weeks at least in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and supervisor will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll, and to all others interested therein, and may be in the following form:

## NOTICE OF SPECIAL ASSESSMENT.

To (insert the names of the persons against whom the assessment appears), and to all other persons interested, take notice: That the roll of the special assessment heretofore made by the supervisor, for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms), is now on file in my office for public inspection. Notice is also given that the council and supervisor will meet at the council room in the city of Hastings on (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Dated.....

.....

City Clerk.

## REVIEW OF ASSESSMENT.

SEC. 14. At the time and place appointed for the purpose, as aforesaid, the council and supervisor shall meet, and there, or at some adjourned meeting, review the assessment and shall hear any objections to any assessment which may be made by any person deeming himself aggrieved thereby, and the council may correct said roll, as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected; or they may refer the assessment back to the supervisor for revision; or annul it and direct the supervisor to make a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall make an indorsement upon the roll showing the date of the confirmation.

## WHEN CONFIRMED TO BE FINAL.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive.

## WHEN ASSESSMENT TO BECOME A LIEN.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be charged against the person to whom assessed until paid.

## ASSESSMENT; WHEN TO BE COLLECTED.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into such installments as the common council may provide by resolution or ordinance, one of which shall be collected each year, at such times as the council shall determine, with annual interest at a rate not exceeding six per cent per annum, but the whole assessment after confirmation may be paid to the city treasurer at any time in full, with proportionate interest thereon. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in this section, shall be due and payable upon confirmation.

## SPECIAL ROLL FOR EACH INSTALLMENT.

SEC. 18. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest thereon upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

## APPORTIONMENT WHEN LAND DIVIDED AFTER ASSESSMENT.

SEC. 19. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, the council may require the supervisor to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

## WHEN ASSESSMENT IS INSUFFICIENT.

SEC. 20. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make additional pro rata assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

## WHEN FIRST ASSESSMENT ILLEGAL. NEW TO BE MADE.

SEC. 21. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof, shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.

## EQUITABLE LIEN NOT IMPAIRED.

SEC. 22. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon.



**CLERK TO REPORT ASSESSMENT TO SUPERVISORS.**

Sec. 23. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of the district in which the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as are contained in said roll, with the amount of the assessment levied on each, and the name of the owner or occupant against whom the assessment was made, and direct the supervisor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are especially assessed, and against the persons chargeable therewith, as a tax, in such tax roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said tax roll shall be collected and enforced with the other taxes in the tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected, shall be paid into the city treasury.

**TAXES MAY BE COLLECTED WITHOUT ASSESSMENT IN TAX ROLL.**

Sec. 24. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessment to be reported to the supervisor, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the supervisor shall attach his warrant to a certified copy of said special assessment roll, therein and thereby commanding the city treasurer to collect from each of the persons assessed in said roll, the amount of money assessed to and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person and return said roll and warrant, together with his doings thereon as hereinafter provided.

**TREASURER TO COLLECT TAXES.**

Sec. 25. Upon receiving said assessment roll and warrant the city treasurer shall proceed to collect the amounts assessed therein. If any person shall refuse or neglect to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or town-

ship where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

#### RETURN OF ROLL BY TREASURER.

SEC. 26. The treasurer shall make return of said assessment roll and warrant to the city clerk according to the requirement of the warrant, and if any assessments in said roll shall be returned unpaid, or if the city treasurer shall be unable to collect any of the special assessments on the July roll assessed on real property on or before the tenth day of September in each year, he shall on or before the fifth day of November following, make a statement of the same with a full and perfect description of such property, together with the special assessments assessed against each such descriptions remaining unpaid, which statement he shall verify by his affidavit, in which affidavit he shall make oath that the sums so mentioned in said statement as uncollected, remain unpaid, and that he has not been able, after diligent inquiry, to discover any goods or chattels belonging to the person liable to pay such taxes, whereupon he could levy the same. He shall also make a statement under oath showing the amount of all moneys collected by him on account of the special assessments on said roll. Both said statements shall be filed with the city clerk on or before the fifth day of November of such year. And thereupon the city clerk shall immediately compare such statements and return of said treasurer with the tax roll and verify the same and make settlement with the city treasurer as to said July tax roll and report the same to the council at their next meeting, together with the statement or return of uncollected special assessments filed with him by the city treasurer as aforesaid. The council upon receiving such report and being satisfied of the correctness thereof and that the special assessments reported in said statement are in fact unpaid, shall direct the city clerk to certify the same to the several supervisors to be so spread by them upon their several December rolls. Such certificate so given by the city clerk to the supervisors as aforesaid, shall contain the amount of all such special assessments to be reassessed, and in one column headed "Special Assessments" shall be contained the total of all special assessments; in another column headed "Special Re-assessments" shall be contained the total of all special assessments returned as unpaid; and in a third column headed "Interest and Penalty Tax" shall be included the interest at the rate of one per cent per month from the first day of October of such year up to and including the month of

December, together with the collection fee of four per cent on the total amount of such special assessments; and such certificate shall be given by the city clerk to such supervisor on the fifteenth day of November, or as soon thereafter as practicable. Upon receipt of such certificate and statement from the city clerk it shall be the duty of each of the supervisors to spread upon their several December rolls, the amounts specified in said certificate against each of the descriptions or persons therein mentioned, which said special assessments so spread and assessed by such supervisors on their December rolls, shall be collected by the treasurer the same as other taxes ordered to be spread on said rolls.

**WARRANT MAY BE RENEWED.**

SEC. 27. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall direct and determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns, as above provided.

**TAX MAY BE COLLECTED BY ACTION OF ASSUMPSIT.**

SEC. 28. At any time when a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same, shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

SEC. 29. Whenever any special assessment levied against any parcel, tract, or lot in this city by virtue of any special assessment had, made, or taken in accordance with the provisions of this act, if the same shall not be paid within the time limited for payment thereof by the charter or ordinances of the city providing for the levying and collecting of said tax, and in case the city treasurer shall be unable to collect the same by virtue of the provisions herein made by levy and distress of personal property, or the collection thereof by suit within the time limited therefor, then and in such case the city treasurer shall return said parcel or parcels of land, as the case may be, as delinquent in the same manner as taxes levied under the general laws of the State are returned, and said lot or parcel so returned may be sold for the payment of such special assessment in the same manner as near as may be, as lands are sold for taxes levied under the general laws of the State and subject to the same rights of payment and redemption.

## IRREGULARITIES NOT TO VITIATE.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informalities, the assessment has not been regularly made against the defendant, or upon the lot or premises sought to be charged, the court may nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

## CERTAIN PAVING PROCEEDINGS LEGALIZED.

SEC. 31. That all proceedings heretofore had in the matter of issuing bonds for paving in said city and special assessments to be levied as authorized by a vote of the electors of said city at a special election held therein on the twenty-seventh day of December, nineteen hundred six, are hereby made and declared legal and valid, and binding upon the tax payers of said city of Hastings; and said city is hereby authorized and empowered to issue paving bonds in the aggregate of thirty-five thousand dollars.

## CHAPTER XXI.

## APPROPRIATION OF PRIVATE PROPERTY FOR PUBLIC USE.

## PURPOSES FOR WHICH MAY BE TAKEN.

SECTION 1. Private property may be appropriated for public use by the city for the purpose of opening, widening, altering or extending streets, alleys and avenues; for the construction of bridges, for public buildings, and for other public structures, for public parks, market places and spaces, and for the improvement of water courses; for sewers, drains and ditches; for public hospitals, pest houses, quarantine grounds and public cemeteries, and for other lawful and necessary public use.

## PROCEEDINGS TO BE UNDER GENERAL LAW.

SEC. 2. If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and to hold the same and the ownership therein and thereto may be acquired by the city, either in the manner and with like effect as provided by the general laws of this State relating to the taking of private property for public uses in cities and villages, or by instituting and prosecuting the proceedings for that purpose as hereinafter set forth.

## CITY ATTORNEY TO INSTITUTE PROCEEDINGS.

**SEC. 3.** Whenever the council shall have declared a public improvement to be necessary in the municipality and shall have declared that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the benefit of the public, they shall, by resolution, direct the city attorney to institute the necessary proceedings in behalf of the city, before the probate court as they may designate, to carry out the object of the resolution in regard to taking private property by the city for such public use.

## FILING OF PETITION, ETC.

**SEC. 4.** The city clerk shall make and deliver to the city attorney, as soon as may be, a copy of such resolution, certified under seal, and it shall be the duty of such attorney to prepare and file with such probate court in the name of the city, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the council shall be annexed which certified copy shall be prima facie evidence of the action taken by the council and of the passage of the said resolution. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the city in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it for a just compensation to be made. A description of the property to be taken shall be given, and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the council has declared such public improvement to be necessary, and that they deem it necessary to take the private property described in that behalf or such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things, and may pray for any other or further relief to which the city may be entitled, within the objects of this chapter.

## PROBATE COURT TO ISSUE SUMMONS.

SEC. 5. Upon receiving such petition it shall be the duty of the probate court to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said probate court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petitioner should not be granted.

## SERVING OF SUMMONS.

SEC. 6. Said summons shall be served by the city marshal, any member of the police force or any constable of the city, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county, cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian, the probate court may appoint some discreet and proper person to be guardian ad litem of such person in such proceedings, and such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted; on a day to be named in the order, and not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance and require as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the city, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued, and the probate court may adjourn the proceedings from time to time, as there shall be occasion, and as in other civil cases. Service of such order for appearance in either

mode described shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for appearance, if any, shall be filed with such probate court before a jury shall be impaneled, and be sufficient evidence of service on the respondents and of the manner of service.

#### WHEN JURY TO BE IMPANELED.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the probate court shall make an order that a jury be impaneled in the case. Such jury shall be composed of six freeholders of the city, and shall be selected and impaneled as follows: The city marshal or any constable or any member of the police force of the city shall, on the same day, or at an adjourned day, make a list of eighteen resident freeholders of the city, and the city attorney and the respondents collectively, shall each have the right to strike six names from the list of persons written down, as aforesaid, and subject to objection for cause; the six men whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at no less than three nor more than ten days from the date of selecting such jury, by a venire issued by him and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the probate judge, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this chapter, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justice's courts relative to jurors in civil cases in such courts.

#### OATH TO JURORS.

SEC. 8. The jurors so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is public necessity for making the proposed improvement and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you determine that it is necessary to make such improvement, and to take said property,

that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to the law and evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to the property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the probate judge, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by all the jurors.

#### VERDICT; WHAT TO DETERMINE.

SEC. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists, they shall separately award to the owners of such property and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

#### FORM OF VERDICT.

SEC. 10. To assist the jury in arriving at their verdict, the probate court may allow the jury, when they retire, to take with them the petition filed in the case and a map showing the location of the proposed improvement and of each and all parcels of property to be taken, and may also submit to them a blank verdict, which may be as follows:

#### PART I.

We find that it is .....necessary to take the private property described in the petition in this case, for the use and benefit of the public for the proposed public improvement.

#### PART II.

The just compensation to be paid for such property we have ascertained and determined and hereby award as follows:



Description of each of the several parcels of private property to be taken.	Owners, occupants, and others interested in each parcel.	Compensation.	To whom payable.

.....

.....

**Jury.**

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the probate judge, before it is submitted to the jury, or it may be done by the jury.

#### AMENDMENTS ALLOWED.

SEC. 11. Amendments either in form or in substance may be allowed in any paper, petition, process, record or proceedings or in the description of property proposed to be taken, or the name of any person, whether contained in the resolution passed by the council or otherwise, whenever the amendments will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

#### DUTY OF PROBATE JUDGE.

SEC. 12. Upon filing the report and award of the jury with the probate court, he shall enter it upon the docket of his proceedings, and a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the probate court, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time hereinafter provided.

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**DISAGREEMENT OF JURY.**

SEC. 13. If such jury shall be unable to agree upon a verdict, or for any cause should fail to render a verdict, the probate court shall, on the application of the city attorney, designate some day and hour when another jury may be impaneled, and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and when sworn, have the same powers and duties as the first jury. The same proceedings after they are sworn shall be had by them, and by and before the probate court as provided for above after the first jury is sworn.

**DEATH OR DISABILITY OF JUROR.**

SEC. 14. If any juror, after being sworn, and before the hearing shall have been commenced, shall die, or from sickness or any other cause be unable to discharge his duties as a juror, the probate court may cause to be drawn another person to serve in his place, who shall be sworn and shall have the like qualifications, powers and duties as those already sworn.

**APPEAL TO CIRCUIT COURT.**

SEC. 15. Any party aggrieved by the judgment of confirmation hereinbefore mentioned, may, within ten days after entry thereof, appeal therefrom to the circuit court, by filing with the probate court a claim of appeal, in writing, under oath, in which he shall set forth a description of the land in which he claims an interest and a statement that he considers himself aggrieved by the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the probate court a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by the probate court, conditioned that he will prosecute his appeal to effect, and pay costs that may be awarded against him in the circuit court, and paying to the probate court the sum of three dollars for making his return to the appeal.

**RETURN TO APPEAL BY JUDGE OF PROBATE.**

SEC. 16. Within ten days after taking such appeal the probate court shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and file the same with the clerk of the circuit court.

## CIRCUIT COURT TO HAVE JURISDICTION.

SEC. 17. Upon filing the return of the probate court, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case. The parties may proceed to trial by jury without reference to any term of court upon the question as to the amount of damages to be awarded; but the finding of the jury before the probate court as to the necessity of taking the land shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

## JURY TO BE IMPANELED.

SEC. 18. The jury to be impaneled to try the case shall be drawn and impaneled as juries in other civil cases in the circuit court. The jury so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear that you will well and truly ascertain, determine and award the just compensation to be made for the taking for the use or benefit of the public the private property which the petition describes, and that you will faithfully and impartially discharge all other duties as devolve upon you in this case, according to the law and the evidence, and unless discharged by the court, a true verdict give therein, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to the property taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the circuit judge, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and shall be signed by all the jurors.

## VERDICT; WHAT TO CONTAIN.

SEC. 19. The jury shall in their verdict separately award to the owners of such property and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

## FORM OF VERDICT.

SEC. 20. To assist the jury in arriving at their verdict, the circuit judge may allow the jury when they retire, to

take with them the petition filed in the case, and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken and may also submit to them a blank verdict as set forth in "Part II" of section ten of this chapter. The different descriptions of the property and the names of the occupants, owners, and others interested therein may be inserted in said blank verdict, under the direction of the circuit judge before it is submitted to the jury, or it may be done by the jury.

#### CONFIRMATION, COST.

SEC. 21. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and rights of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least one hundred dollars more than the amount awarded to him before the probate court he shall pay costs to the city; otherwise the court shall award such costs to him or to the city, as shall be just.

#### CITY CLERK TO RECORD JUDGMENT.

SEC. 22. It shall be the duty of the city clerk to procure copies of any judgment of confirmation of the circuit court or of the probate court after the same has become final, as well as of the report and findings of the jury, and the same shall be recorded in a book of records to be kept by him, and the docket of such probate court, or the judgment of said court, as well as the book of records of such proceedings kept by said city clerk, or certified copies thereof, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same.

#### PROCEEDINGS AFTER VERDICT.

SEC. 23. When the verdict of the jury shall have been finally confirmed by the probate court and the time in which to take an appeal has expired, or, if an appeal is taken and the judgment has been confirmed, thereupon the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the council believe that a portion of the city in the vicinity of the proposed improvement will be benefited by such improvement, they may by an entry in their minutes, determine that the whole or any part or just proportion of the compensation awarded by the jury and the costs of obtaining the same, shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they

shall, by resolution, fix and determine the district or portion of the city benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained, shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in this act for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the council, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided, shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof, delinquent for non-payment of the amount assessed and levied thereon, the city may become the purchaser.

#### DUTY OF TREASURER.

SEC. 24. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be confirmed, the council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested, for the private property taken, as awarded by the jury, and shall in the resolution setting apart and providing said sum, if not already provided, direct the city to pay the persons respectively entitled to the money so set apart and provided, to each his or her portion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The council may provide the necessary amount by borrowing from any other money or fund in the treasury and repay the same from money raised to pay the compensation awarded by the jury when collected or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate receipts of certificates, verified by oath, showing that the

amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the probate court before whom such proceedings were had, or his successor, or in case an appeal has been had then in the office of the county clerk, and the other to be filed with the city clerk, which certificate shall be prima facie evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid, the council may enter upon and take possession of and use such private property for the purpose for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the council or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the council, by the city attorney, may apply to the court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.

#### FEEES AND COMPENSATION.

SEC. 25. Officers, jurors and witnesses in any proceedings under this chapter, shall be entitled to receive the same fees and compensation as are provided by law for similar services in an ordinary action at law in the probate courts of this State, and in cases of appeals, the same fees and compensation as are provided by law for similar services in circuit courts. All such fees and compensation shall in the first instance, be paid by the city.

#### PRIMA FACIE EVIDENCE OF OWNERSHIP.

SEC. 26. It shall be prima facie evidence as to who are owners of, and persons interested in, any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles of his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be prima facie evidence as to ownership, and persons having an interest in any such property, and the extent and nature of such interest.

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DISPOSITION OF BUILDINGS.

SEC. 27. In case there is on the private property taken, a building or other structure, the same shall be sold by or under direction of the council. The amount produced by this sale shall belong to and be paid into the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment made to pay for the property taken.

## ACT NOT TO PREVENT PURCHASING.

SEC. 28. Nothing in this chapter contained shall prevent the city from obtaining private property for any of the public uses herein specified by negotiation and purchase.

## CHAPTER XXII.

## WATER WORKS.

## CITY MAY MAINTAIN.

SECTION 1. The city of Hastings as re-incorporated under the provisions of this act, shall have authority to purchase or construct new and to maintain and extend existing water works for the introduction of water into the city, and supplying the same and the inhabitants thereof with pure and wholesome water for the ordinary and extraordinary uses of the inhabitants thereof, the extinguishment of fires, and for such other purposes as the council may prescribe.

## CITY MAY ERECT RESERVOIRS, ETC.

SEC. 2. The city may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction and maintenance of such water works.

## CITY MAY BORROW MONEY FOR.

SEC. 3. It shall be lawful for the city, subject to the provisions of this act, to borrow any sum of money not exceeding five per cent of the assessed value of the property in the city, as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing or

extending water works, as provided in the two preceding sections. The council shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: *Provided*, That the total amount expended for the constructing, purchasing, or extending such water works shall not exceed the estimate of expense provided for in section four of this chapter.

#### ESTIMATE TO BE MADE BEFORE BORROWING.

SEC. 4. Before any money shall be borrowed, appropriated, raised or expended for the purchase, construction or extension of water works in the city, the council shall direct the committee on water works to cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at the next annual election, or at a special election called for that purpose by the council as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide: *Provided, however*, That after water works have been purchased or constructed by the city, the council may then raise and expend, in making repairs and alterations, or in extending such works, such sum as they may see fit, without submitting the question to the electors of the city, but the sum to be raised for such purpose shall be included in and shall not increase the total amount which, by the provisions of section five, chapter twenty-five of this act, the council is authorized to raise.

#### WHO TO PLACE AND REPAIR CONNECTING PIPES.

SEC. 5. The connecting or supplying pipes leading from buildings or yards to the curb of the street shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall be not inserted or connected with the main pipe until a permit therefor shall be obtained from the city clerk. All such connecting or supplying pipes shall be constructed and connected in the manner prescribed by the water committee.

#### WATER RATES.

SEC. 6. The committee on water works shall annually, on or before the first Monday in June, establish a scale of rates to be charged and paid for water supply for the next ensuing year, to be called water rates, which rates shall be approved by the council and shall be appropriate to different



classes of buildings in the city with reference to their dimensions, value, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns, lawns and all other buildings, establishments and trades, yards, number of families or occupants, or consumption of water, as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rates.

#### COUNCIL TO PROVIDE FOR CARE OF WATER WORKS, ETC.

SEC. 7. The council may enact such ordinances or adopt such resolutions as may be necessary for the care, protection, preservation and control of the water works and all the fixtures, 'appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter and the powers herein conferred in respect to the construction, management and control of such water works.

#### RIGHT TO LAY PIPES.

SEC. 8. For the purpose of operating, constructing, maintaining or extending such water works, the city shall have the right to lay conduits, pipes, aqueducts or other necessary works over or under any water course, or under or along any streets, alleys, lanes, turnpikes, roads, railroads or highways within the city, but not in such manner as to obstruct the same or impede or prevent travel thereon; and the city authorities may at all times enter upon and dig up such streets, alleys, roads or highways to lay pipes thereon, or to construct works beneath the surface thereof, but they shall cause the surface thereof to be relaid and restored to its usual state, and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

#### HOW PRIVATE PROPERTY MAY BE ACQUIRED FOR WATER WORKS.

SEC. 9. If it shall be necessary, in the judgment of the council, to appropriate private property either within or without the city for the construction and maintenance or for the due operation of water works, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

## CHAPTER XXIII.

## LIGHTING.

## CITY MAY OWN LIGHTING PLANT.

SECTION 1. It shall be lawful for the city under the provisions of this chapter to acquire by purchase or to construct, operate and maintain, either independently or in connection with the water works of the city, either within or without the city, works for the purpose of supplying the city and the inhabitants thereof, or either, with gas, electric or other lights at such times and on such terms and conditions as hereinafter provided.

## RESOLUTION BY COUNCIL.

SEC. 2. Whenever the council shall, by resolution, declare that it is expedient for the city to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying the city and the inhabitants thereof, or either, with gas, electric or other lights, then such council shall have power to take such action as shall be deemed expedient to accomplish such purpose.

## LIGHTING COMMITTEE TO MAKE ESTIMATE.

SEC. 3. In case the council shall declare that it is expedient for the city to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying the city, or the inhabitants thereof, or either, with electric or other lights, then the council shall direct the lighting committee to cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its next annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide.

## CITY MAY BORROW MONEY.

SEC. 4. It shall be lawful for the city to borrow any sum of money not exceeding five per cent of the assessed value of the property in the city as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining such lighting works as provided in the preceding sections of this chapter. The council shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of

the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: *Provided*, That the total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expense thereof provided for in section three of this chapter.

#### LIMIT OF MONEY FOR REPAIRS.

SEC. 5. After lighting works have been purchased or constructed, as aforesaid, the council may then raise and expend in making repairs or alterations, or in extending such works, such sum as it may deem advisable without submitting the question to the electors of the city; but the sum to be raised shall not increase the total amount which by the provisions of section five, chapter twenty-five of this act the council is authorized to raise.

#### RATES FOR LIGHTING.

SEC. 6. The lighting committee, subject to the approval of the council, shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of the city with lights, and shall annually on the first Monday in June fix such rates for the year next ensuing.

#### HOW PRIVATE PROPERTY MAY BE TAKEN.

SEC. 7. If it shall be necessary in the judgment of the council to appropriate private property either within or without the city, for the construction and maintenance or for the due operation of lighting works, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

#### CITY MAY CONTRACT WITH COMPANY.

SEC. 8. The council may contract from year to year, or for a period of time not exceeding ten years with any person or persons, or with any duly authorized corporation, for the supplying of the city or the inhabitants thereof, or both, with gas, electric or other lights upon such terms and conditions as may be agreed upon; and may grant to such person, persons or corporations the right to the use of the streets, alleys and public grounds of the city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such light upon such terms and conditions as shall be specified in the contract.

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**ORDINANCE CONCERNING LIGHTING PLANT.**

**SEC. 9.** The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the erection, purchase, management and control of such works.

**CHAPTER XXIV.****FIRE DEPARTMENT.****ORGANIZATION.**

**SECTION 1.** The council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accidents resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employees, firemen and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department; and prescribing the powers and duties of such employees, firemen and officers.

**ENGINES; WATER SUPPLY.**

**SEC. 2.** The council may purchase and provide suitable fire engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

**BUILDINGS FOR DEPARTMENT.**

**SEC. 3.** The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus for the department.

**CHIEF.**

**SEC. 4.** The chief of the fire department, subject to the directions of the mayor, shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council may prescribe. And the council may appoint such assistant, chiefs and other officers of the department as may be necessary.

**POWERS OF CHIEF.**

**SEC. 5.** The chief of the fire department, or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of any such officer, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment for ninety days, or by a fine not exceeding one hundred dollars, or both such fine and imprisonment in the discretion of the court.

**FIRE WARDEN; DUTIES OF.**

**SEC. 6.** The council may provide by ordinance for the appointment of, and may appoint, such number of fire wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings and structures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

**FIRE LIMITS; FIRE ESCAPES.**

**SEC. 7.** The council may prescribe by ordinance, from time to time, limits of districts within the city, within which wooden buildings and structures shall not be erected, placed, enlarged or repaired; and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outside walls and roof shall be constructed. The council may provide by ordinance for proper fire escapes on buildings and compel the owners and occupants thereof to construct and maintain the same.

**REGULATION OF TRADES, COMBUSTIBLES, LIGHTS.**

**SEC. 8.** The council may also prohibit within such places or districts as they shall deem expedient, the location of

shops; the protection of any trade or business; the keeping of lumber yards and the storing of lumber, wood or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances and the use of lights in buildings; and generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

#### VIOLATION OF BUILDING ORDINANCE.

SEC. 9. Every building or structure which may be erected, placed, enlarged, repaired or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

#### COMPENSATION, INJURIES.

SEC. 10. The officers, firemen and employes of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

#### BUILDINGS MAY BE PULLED DOWN.

SEC. 11. The chief in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire. Whenever any building is so pulled down or destroyed, any person having an interest in such building may present his claim for damages to the council of the city, and it shall thereupon be the duty of the council to pay such claimant such damages as may be just under all the circumstances, taking into consideration the fact whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed, and whether the same was insured or not. If the council and such claimant shall not be able to agree upon the amount of damages to be paid such claimant, then the amount of such damages shall be ascertained by the appraisal of a jury, to be selected in the same manner as in cases of juries to appraise damages for taking private property for public use. Such jury may visit the premises and hear all proofs in the case, and shall allow such claimant such amount of damages as they may deem proper under all the circumstances, as above stated. If such jury shall not be able to agree, a new jury shall be

impaneled as above provided, until a jury has been obtained that shall agree; and the city shall pay such claimant the amount of damages fixed by the jury. There shall be no appeal from the verdict of such jury, either by the city or by the claimant.

## CHAPTER XXV.

### FINANCE AND TAXATION.

#### FISCAL YEAR.

SECTION 1. The fiscal year shall commence on the first Monday of March of each year and shall continue until the first Monday of March of the year following.

#### POWER OF COUNCIL TO IMPOSE TAXES.

SEC. 2. The council shall have authority, within the limitations herein prescribed, to raise annually by taxation within the corporation such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in the act granted. The taxes in the city shall be collected in two installments, one of which installments shall be for the general taxes, and which shall be assessed, levied and payable as provided in the general tax laws of the State, where not inconsistent with the provisions of this act; the other installment which shall be for the city taxes and shall be payable on the first day of July in each year.

#### DIFFERENT FUNDS.

SEC. 3. The revenues raised by general tax upon all the property in the city or by loan to be repaid by such tax, shall be divided into so many of the following general funds as are necessary:

First, Contingent Fund, to defray the contingent and other expenses of the city for the payment of which from some other fund no provision is made;

Second, Fire Department Fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus of the city: *Provided*, That all parcels of land of ten acres or more, used exclusively for farming purposes, and not laid out into city lots, together with the farming implements and live stock owned and used in connection therewith, shall be exempt from the taxes for fire department fund;

Third, General Street Fund, to defray the expenses of opening, widening, extending, altering and vacating streets,

alleys and public grounds, and for grading, paving, curbing, graveling and otherwise improving, repairing and clearing the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and crosswalks, and for the care thereof;

Fourth, General Sewer Fund, to defray the expenses of sewers, drains, ditches and drainage, and the improvement of water courses;

Fifth, Bridge Fund, for the construction and maintenance of bridges;

Sixth, Water Fund, for maintaining and extending a system of water works and for constructing reservoirs and cisterns, and providing other water supply;

Seventh, Interest and Sinking Fund, for the payment of the public debt of the city and the interest thereon;

Eighth, Park Fund, for the purchase of grounds for public parks and the maintenance and improvement thereof;

Ninth, Light Fund, for the construction, purchase and maintenance of electric or other lights;

Tenth, Such other funds as the council may from time to time constitute.

#### SPECIAL FUNDS.

SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

First, A Street District Fund for each street district, for defraying the expenses of grading, improving, repairing and working upon the streets therein, and for the payment of all street expenses, which the council shall charge upon the street district;

Second, A District Sewer Fund, for each main sewer district, for the payment of the costs and expenses of sewers and drainage in, and chargeable to the main sewer district, when the city shall be divided into such districts;

Third, Special Assessment Funds, any money raised by special assessment levied in any special assessment district or special sewer district to defray the expenses of any work, paving, improvement, repairs or drainage therein, shall constitute a special fund for the purpose for which it was raised.

#### LIMIT OF TAXATION.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted, exclusive of taxes for schools and schoolhouse purposes, shall not, except as herein otherwise provided, exceed in one year, one per cent.



## LIMIT OF SPECIAL ASSESSMENT.

SEC. 6. In addition to the above amounts the council may raise by special assessment in sewer districts and special assessment districts for the purpose of grading, paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains and making other local improvements chargeable upon the lands and property in the district, according to frontage and benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year five per cent on the assessed value of the property in the sewer district, or special assessment district, as the case may be, as shown by the last preceding assessment rolls of the city.

## SINKING FUND.

SEC. 7. The council may also raise such further sums annually, not exceeding two and one-half mills on the dollar, of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

## ESTIMATE FOR ANNUAL EXPENSES.

SEC. 8. It shall be the duty of the council to cause estimates to be made in the month of May in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year.

## ESTIMATE OF EXPENSES CONTINUED.

SEC. 9. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also the amount or part of any special assessment which they require to be levied or reassessed upon the next city tax rolls of the city, upon lands in any main sewer district, or upon any parcel of land, or against any particular person as a special assessment.

## ANNUAL APPROPRIATION BILL.

SEC. 10. The council shall also in the said month of May, pass a resolution to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year payable from the several general funds, as estimated and determined upon, as provided in section eight of this chapter, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next city or July tax levy, or by loans, or both, and to be paid into the several general funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five and seven of this chapter, to raise by general tax during the year. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied, to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or assessed, as mentioned in section nine of this chapter, and the disposition to be made of such sums of money, and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year to be paid for in whole or in part by special assessments, and the estimated cost thereof.

## BILL TO BE REPORTED TO COUNTY CLERK AND SUPERVISORS.

SEC. 11. All sums ordered in the annual appropriation bill in any year to be raised for the several general funds, shall, by the board of review and equalization provided for in section five of chapter twenty-six of this act, be apportioned on or before the fifteenth day of May, among the several wards of the city according to their assessed valuation. And all amounts reported to the council by the board of education to be raised for schools, library and schoolhouse purposes, shall be certified to the clerk of the board of supervisors on or before the first Monday of October. All sums ordered in said bill to be levied or reassessed in street or sewer districts or as special assessments, and all sums ordered in the annual appropriation bill apportioned as aforesaid, shall, forthwith, be certified by the city clerk to the supervisors of the respective supervisor districts; and all such sums shall be levied and collected on such July or city tax roll. If, however, any part of the taxes assessed and levied on the July roll are not paid, such sums shall be levied

and collected with the State and county taxes next thereafter to be levied within such city.

NO FURTHER SUMS TO BE APPROPRIATED AFTER ANNUAL BILL.

SEC. 12. After the passage of the annual appropriation bill, no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a two-thirds vote of the electors voting upon the proposition at the next annual city election or at any special election called for that purpose. But this section shall not prohibit the council from making any necessary repairs or expenditure at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident happening after making the annual appropriation for the year or such necessity arising from an existing, evident and impending danger, and from borrowing the money therefor: *Provided*, That such expenditure shall not be made unless three-fourths of all the aldermen elect vote therefor: And *Provided further*, The city may contract a bonded indebtedness of not to exceed ten thousand dollars for sewer purposes, forty-five thousand dollars for street paving purposes and ten thousand dollars for all other purposes: *Provided*, That the common council shall not have authority to borrow money or issue bonds for any of the foregoing purposes, unless the question of raising the money for the specific purposes herein mentioned shall have been first submitted to the qualified electors of the city at its annual election or a special election called by the council for that purpose or heretofore called and held for that purpose, and bonds not issued, and a majority of the qualified electors thereof voting at such election shall vote by ballot for the same.

NO IMPROVEMENT WITHOUT APPROPRIATION.

SEC. 13. No improvement, work, repairs or expense, to be paid for out of any general fund, or street district fund, excepting as herein otherwise provided, shall be ordered, commenced or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation especially made therefor, in the last preceding annual appropriation bill, nor shall any expenditure be made or liability be incurred in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money paid out of any general or special fund, for any purpose, unless appropriated for that purpose in said bill.

## LIMIT OF IMPROVEMENTS.

SEC. 14. No work or improvement to be paid for by special assessment costing more than three thousand dollars, shall be ordered commenced or contracted for, nor shall any assessment be levied therefor in any year, unless the intention to make such improvement or expenditure and to defray the costs thereof by special assessment, was set forth in the last preceding annual appropriation bill: *Provided, however,* That this section shall not apply to any public improvement ordered by the council upon a petition of the owners of a majority of the lands liable to be assessed for the improvement, or when the question of the proposed improvement and manner of payment has been submitted to the electors at any election and duly ratified by said electors.

## IMPROVEMENT NOT TO BE COMMENCED UNTIL TAX IS LEVIED.

SEC. 15. No public work, improvement or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expenses thereof, and no such work or improvement shall be paid for, except from the proceeds of the tax or assessment thus levied, or from the proceeds of bonds issued in anticipation of the collection of said tax.

## COUNCIL MAY RAISE PART BY TAX AND PART BY LOAN.

SEC. 16. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year, for the purpose of the general or special funds, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: *Provided,* That the aggregate amount of taxes and loans so raised and made, shall not exceed the amount for which a tax might be levied for the same year.

## COUNCIL MAY MAKE LOANS IN CERTAIN CASES.

SEC. 17. The council shall also have authority to raise moneys by loan in anticipation of the receipts from special assessments for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

## LIMIT MAY BE INCREASED WHEN.

SEC. 18. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of grounds therefor, or for other public im-

provements or purposes, to be paid from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by two-thirds of the electors voting upon the question at an annual city election or special election called for that purpose. The amount that may be voted or raised in any year under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls made therein.

#### HOW PROPOSITION SUBMITTED.

SEC. 19. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed, and published in one or more newspapers of the city, copies of which shall be posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

#### MONEYS TO BE APPLIED TO PURPOSE FOR WHICH RAISED.

SEC. 20. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund, shall be paid in and credited to the purposes for which moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund on the first day of September or at the close of any fiscal year. In such case the surplus fund may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

#### HOW MONEYS SHALL BE DRAWN FROM TREASURY.

SEC. 21. No moneys shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council and upon the warrant of the clerk countersigned by the mayor. Such warrant shall specify the fund from which it is payable and shall be paid from no other fund.

## MAY BOND TO PAVE INTERSECTIONS.

SEC. 28. The council shall have power to borrow money and issue the bonds of the city therefor to provide funds to defray the costs and expenses of paving the spaces or open squares caused by the intersection of any streets and the cost and expense of paving in front of any property belonging to said city, and the money or funds so borrowed upon the bonds so issued shall be credited to the general funds of said city. Such bonds shall be made payable at such time or times as the common council shall direct and provided in said bonds, and the funds to pay the same shall be raised by general taxation upon all of the property of said city: *Provided, however,* That such bonds shall be issued and sold only when the street or streets for which the funds to be raised are to be applied shall be paved under the general powers of said city relating to paving: *And Provided further,* That the power contained in this section shall not be affected by any limitation contained in this act upon the amount of money to be raised by taxation in said city in any one year: *Provided further,* That the money borrowed on bonds issued provided for in this section shall not exceed in any one year the sum of five thousand dollars.

## CHAPTER XXVI.

## ASSESSMENT AND COLLECTION OF TAXES.

## SUPERVISORS TO ASSESS.

SECTION 1. The supervisors of the city shall, in each year, make and complete an assessment of all the real and personal property within their respective supervisor districts liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner, and within the same time as required by law for the assessment of property in the townships of the State, and in so doing they shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within their respective supervisor districts, they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof; such assessment shall be made in two separate rolls, one for the city taxes and special assessments to be known as the "city or July roll," the other for State, county and school taxes, to be known as the "December tax roll," and in the making of such assessments and in the levying of taxes such city shall be

treated as a whole or as one assessment district as townships are treated under the general tax laws of the State.

PROPERTY OF PERSONS CLAIMING RESIDENCE ELSEWHERE.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein on the ground that he or she has a residence, and is taxed or liable to taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer, or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

PERSONAL PROPERTY; WHERE ASSESSED.

SEC. 3. All personal property found in any ward may be assessed therein, whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person shall be assessed for personal property belonging to such person; the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for such property.

SUPERVISORS' TO CONFER WITH EACH OTHER.

SEC. 4. For the purpose of assessing all property equally in the whole city, the supervisors shall meet and confer together from time to time, while making their assessments, and equalize their valuation in such manner as may be just.

BOARD OF REVIEW; WHO TO BE, AND DUTIES OF.

SEC. 5. The supervisors of the several supervisor districts, the two members of the board of review provided for in section one of chapter three of this act, and city attorney shall constitute a board of equalization and review of the general assessment rolls of the several supervisor districts of the city, a majority of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall have power, and it shall be their duty, to examine said assessment rolls, and they shall have

authority to and shall correct any errors or deficiencies found therein, either as to the names, valuations or descriptions; and on their own motion, or on cause shown, may reduce or increase the valuation of any property found on said rolls, and shall add thereto any taxable property in the city that may have been omitted, and shall value the same; and to strike from said rolls any property wrongfully thereon, and generally to perfect said rolls in any respect by said board deemed necessary and proper, for which services such members of said board shall receive two dollars per day while actually employed. If, on examination, they shall deem the valuation of the several wards to be relatively unequal, they shall equalize the same by adding to or deducting from the total valuation of the taxable property in any ward such an amount as, in their judgment, will produce relatively an equal and uniform valuation of the real estate in the city; and the amount added to or deducted from the total valuation of such ward or assessment district shall be so stated in the certificate attached to the assessment roll of such ward; and all taxes for State, county, school, general city and sewer purposes shall be apportioned according to said equalization, in manner hereinbefore provided, and the said equalization shall not be changed with regard to the relative valuation of the several wards or supervisor districts of the city, and the board of supervisors of the county shall equalize the city as a unit the same as a township is equalized, and any amount added to or deducted from the total valuation of the city as a unit, shall be apportioned by the clerk of the board of supervisors among the several supervisor districts, according to the equalized valuation of the real property in each supervisor district as fixed by the board of review.

#### MEETING OF BOARD OF REVIEW.

SEC. 6. The board of review shall meet on the third Monday in May in each year, at the council room, at nine o'clock in the forenoon, of which time and place notice shall be given by the city clerk at least two weeks prior to the time of meeting, by publishing a notice thereof in one or more of the newspapers of the city, or by posting the same in three public places in each ward of the city, at which time and place the supervisors shall submit to said board their respective general assessment rolls. They shall select one of their number as chairman, and one as secretary, and shall continue in session at least four days successively, and as much longer as may be necessary to complete the review, and at least six hours in each day, during said four days or more; and any persons desiring to do so, may examine his, her or their assessment on said rolls, and may show cause, if any exists, why the valuation thereof should be changed, and the said board shall decide the same, and their decision shall be final. They may examine on oath any person touch-



ing the matter of his or her assessment, and the chairman or any member of the board may administer oaths. They shall keep a record of their proceedings, and all changes made in said rolls, and the amount added or deducted from the total valuation in each supervisor district shall be entered upon such record, which record shall be deposited with the city clerk. The decision of a majority of said members upon all questions shall govern. The rolls as prepared by the supervisors shall stand as approved and adopted as the act of the board of review, except as changed as herein provided. Said board shall have the same power and perform the same duties in all respects as boards of review of townships, in reviewing and correcting assessments made by supervisors of townships, except as in this act otherwise provided. After said board of review shall have completed the revision of said rolls, they shall indorse and sign a statement upon each roll, to the effect that the same is the general assessment roll of the supervisor district to which it applies for the year in which it has been prepared, as approved by the board of review. Such statement may be in the following form, viz.:

State of Michigan, }  
County of Barry. } ss.

We hereby certify that the board of review and equalization of the city of Hastings have reviewed, equalized and corrected the within assessment roll, and have deducted (or added as the case may be).....dollars from (or to, as the case may be), the valuation of the real estate made by the supervisor, and have determined the aggregate value of such real estate to be .....dollars, and the total value of the personal estate to be .....dollars for the year A. D. 19....

Dated....., A. D. 19....

.....  
.....  
.....  
.....  
.....

Board of Review.

Upon the completion of such rolls, and their indorsement in manner aforesaid, they shall be returned to the several supervisors, and shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes mentioned in the general laws of the State, relating to the assessment of property and the levy and collection of taxes thereon. The omission of such indorsement, however, shall not affect the validity of any such roll.

## CLERK TO REPORT TAXES TO COUNTY CLERK.

SEC. 7. On or before the first Monday of October of each year, the city clerk shall certify to the county clerk all sums for city purposes that have not been paid upon the July rolls, and for school, library and schoolhouse purposes, by general taxation upon all the taxable property of the whole city.

## BOARD OF SUPERVISORS TO APPORTION.

SEC. 8. The board of supervisors shall apportion the amounts to be raised as mentioned in the preceding section among the supervisor districts of the city, according to the equalized valuation of the property appearing upon the certificate of the several assessment rolls of the city for such year, as finally equalized by the board of supervisors, and the clerk of said board shall certify to the supervisor of each supervisor district for assessment therein, the amount so apportioned for school, library and schoolhouse purposes in a separate sum, within five days after the board of supervisors of the county shall have completed the equalization of the valuation of the property in the county for the year. Said clerk of the board shall also certify to the city clerk the amounts of State and county taxes apportioned to the several supervisor districts of the city, as aforesaid.

## CLERK TO REPORT TO THE SUPERVISOR.

SEC. 9. On or before the first Monday of June in each year the city clerk shall certify to the supervisors of each supervisor district, for the assessment therein, all amounts which the council require to be assessed or reassessed in any main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person as a special assessment or otherwise within his district, together with a designation of the district, or description of the land or person upon whom or within which the several sums are to be assessed or reassessed, with such further descriptions and directions as will enable such supervisor to assess the several amounts upon the property and person chargeable therewith.

## SUPERVISOR TO LEVY IN ROLL.

SEC. 10. Each supervisor shall levy in the July roll upon all taxable property in the supervisor district, the amounts certified to him by the city clerk to be raised for city taxes, and special assessments, and he shall, at the time fixed in the general tax law, levy in the December roll, all sums to be raised for school, library and schoolhouse purposes, and all such taxes as were not paid on the fifteenth day of November next following the levy of such city taxes, and

special assessments, together with interest thereon, from July first to December first, at one per cent per month, placing said interest in a separate column headed "Interest and Penalty Tax" and said penalty shall thereafter be treated in all respects as an item of taxes. Such item of taxes, and each special assessment, shall be entered in a separate column in such rolls, and the total taxes shall be entered in the last column of said rolls.

**SUPERVISOR TO REPORT AMOUNTS LEVIED TO CITY CLERK.**

SEC. 11. Each supervisor upon completing his roll shall certify to the city clerk the amounts of taxes levied in the roll for State and county purposes, and for city and school taxes, special assessments and other purposes, and the clerk shall charge the said amounts to the city treasurer. The city treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, and in case the roll be the July roll, such roll shall be delivered to the city treasurer on or before the first day of July; each supervisor shall deliver a certified copy of the December roll, with the taxes extended therein as aforesaid, to the city treasurer, with his warrant for the collection of taxes therein, annexed thereto.

**WARRANTS; WHAT TO INCLUDE.**

SEC. 12. The warrant annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively. If the roll be the July roll, the warrant annexed thereto shall command the city treasurer to collect from the several persons named in said roll the several sums named in the last column thereof opposite their respective names, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed, on or before the fifteenth day of September next following. If the roll be the December roll, the warrant annexed thereto shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed, on the first day of March then next ensuing; and the several warrants shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

**TAXES TO BE A LIEN UNTIL PAID.**

SEC. 13. All taxes levied in any tax roll of the city shall be and remain a lien upon the lands upon which they are levied until paid.

## NOTICE AND FEES OF TREASURER.

SEC. 14. Upon receiving the several tax rolls as above provided, the city treasurer shall give notice immediately to the taxpayers of the city that such rolls have been delivered to him and that the taxes therein levied can be paid to him at his office at any time before the tenth day of January then next ensuing, if the roll be the December roll, and if the roll be the July roll, on or before the tenth day of August, with one per cent charge for collection; but that four per cent collection fee shall be charged and collected upon all taxes remaining unpaid on said tenth day of January or tenth day of August, as the case may be. Said notice shall be given by publishing the same twice in one or more of the newspapers of the city, or by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the treasurer to be at his office at such times previous to the said tenth day of January and tenth day of August, as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall collect one per cent fees upon any taxes paid to him before the said tenth day of January or said tenth day of August, but after those dates he may collect both the tax and four per cent collection fee.

## MANNER OF COLLECTING TAXES.

SEC. 15. For the collection of all taxes remaining unpaid on the general roll on the tenth day of January, and on the July roll on the tenth day of August, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county, or any county adjoining thereto, and from which no property shall be exempt.

## NEW WARRANTS. SUITS.

SEC. 16. The county treasurer may issue new warrants to the city treasurer for the collection of taxes in the same manner, and in the same cases, and with the same effect, as such new warrant may be issued to township treasurers. The city treasurer may, and it shall be his duty to proceed by suit in the name of the city, for the collection of unpaid taxes in the same cases, and under like circumstances in which the township treasurers are authorized to proceed in that manner, and all the provisions of law applicable to suits and evidence therein brought by township treasurers

in the name of their township for such purpose, shall be applied to suits brought by the city treasurer as aforesaid.

**SUPERVISOR DISTRICTS TO BE CONSIDERED SAME AS TOWNSHIP.**

**Sec. 17.** For the purpose of assessing and levying taxes under this act, for State, county, school and library purposes, each supervisor district shall be considered the same as a township, and all provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the supervisors in the city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for nonpayment thereof, the city treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

**PAYMENT OF MONEY TO COUNTY TREASURER.**

**Sec. 18.** The city treasurer shall within one week after the time specified and directed in the warrants annexed to said several December tax rolls, pay to the county treasurer the sums required in said warrants to be so paid, either in delinquent taxes on lands, or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned, shall be sold therefor the same as lands returned for delinquent taxes by township treasurers.

**DELINQUENT TAXES.**

**Sec. 19.** All provisions of law respecting delinquent taxes levied in townships shall apply to all taxes in any supervisor district of the city, and be returned as delinquent to the county treasurer and the supervisor district, in respect to taxes levied therein and returned to the county treasurer, as delinquent, shall, except as herein otherwise provided, be considered and treated as a township, and all provisions of law for the sale of lands for the payment of taxes levied for State, county and township purposes, and returned delinquent, shall apply to the return and sale of property for the nonpayment of delinquent taxes levied in any supervisor district of the city, except as herein otherwise provided.

## CHAPTER XXVII.

## MISCELLANEOUS.

## RE-INCORPORATION NOT TO AFFECT FORMER RIGHTS.

SECTION 1. The city of Hastings, as re-incorporated under the provisions of this act, shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belonging to the city as formerly incorporated, and no rights or liabilities, either in favor or against the former corporation, existing at the time of its re-incorporation under or subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such re-incorporation, but the same shall stand or progress as if no such re-incorporation had been made, and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of the re-incorporation under this act shall be collected the same as if such re-incorporation had not taken place: *Provided*, That when a different remedy is given in this act which can be made applicable to any rights existing at the time of the re-incorporation under or subject to this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

## TERM OF OFFICE OF OFFICERS NOT TO BE AFFECTED BY RE-INCORPORATION.

SEC. 2. All the officers of the city, elected or appointed under the provisions of the former act of incorporation of the city, and in office at the time of the taking effect of this act, shall continue to exercise their respective functions under the provisions of this act of re-incorporation for the full term for which they were so elected or appointed, and until their successors shall have qualified and entered upon the duties of their respective offices, unless herein otherwise provided.

## ORDINANCES TO REMAIN IN FORCE.

SEC. 3. The by-laws and ordinances of the city and the rules and regulations of the council, and of the board of health or other board or boards of the city, heretofore in force and not inconsistent with this act, shall remain in force after the passage of this act, and are hereby declared to be re-enacted by virtue of and under the powers conferred

by this act until altered, amended or repealed by the council or such board as the case may be.

#### SPECIAL ASSESSMENTS TO REMAIN IN FORCE.

SEC. 4. In cases where a special assessment has been made by authority of and confirmed by the council, and the same or some part thereof shall not have been collected when this act shall take effect, the city, as hereby re-incorporated, shall have authority to enforce the payment thereof, and the same proceedings may be had therefor as provided in this act.

#### LICENSES TO REMAIN IN FORCE.

SEC. 5. All licenses granted by the city under its former act of incorporation shall be and remain in full force and virtue until the expiration of the time for which they were granted.

#### SERVICE OF PROCESS AGAINST CITY.

SEC. 6. All process against the city of Hastings as re-incorporated under this act, shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk or city attorney, at such time and manner as may be provided by law.

#### PLATTING LANDS.

SEC. 7. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys, within the city, except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots, streets and alleys of the city, nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of the register of deeds of the county of Barry until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and dedication has been approved by the council; nor shall the city by reason of such approval, be responsible for the improvement, care and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinance or resolution as in this act provided.

## TERM "CITY" DEFINED.

SEC. 8. The term "City," whenever used in this act, shall be construed to mean the city of Hastings.

## CITY NOT TO OWN STOCK.

SEC. 9. The city of Hastings shall not become the owner or holder of stock or shares in any incorporated company.

## AFFIDAVIT OF PUBLICATION OF NOTICES.

SEC. 10. When, by the provisions of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ, knowing the facts, if such notice was required to be made by publication, or by the person posting the same, when required to be by posting, shall be prima facie evidence of the facts therein contained: *Provided*, That the same shall be filed with the city clerk within six months from the date of the last publication thereof, or of posting the same.

## HOW JUDGMENTS AGAINST CITY SHALL BE PAID.

SEC. 11. Whenever any judgment or decree of any court shall be rendered or decreed against the city, and the city shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the council of the city to issue the bonds of the city to an amount not exceeding the sum of the judgment or decree, and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be made payable at such time and place and at such rate of interest, not exceeding six per cent per annum, as shall be prescribed by the council, and such bonds shall be sold and disposed of at not less than par value, in such manner as may be deemed advisable by the council.

## REFERENDUM.

SEC. 12. It shall be the duty of the common council upon the petition in writing of fifty or more resident tax payers of the city of Hastings who are electors therein to submit to the qualified electors of said city the question whether or not any police regulation enacted by ordinance or resolution of the common council shall be in force in said city, and said election, if a special election, shall be held in the same manner as near as may be as is provided herein for general elections, and in case a majority of the persons voting at such election, either general or special, shall vote in favor of en-



forcing said police regulations, then the same shall continue to be in force until otherwise modified or repealed, and in case a majority of those voting at such election shall vote against a continuance in force of such police regulation, then the same shall be suspended in its operation until otherwise re-enacted: *Provided, however,* That nothing herein contained shall give the common council of the city of Hastings authority to enact such regulation or enforce the same during any fiscal year after the people have voted against its enforcement; nor shall the common council have power to restrain the operation of any police regulation after the people have voted in favor of its enforcement during any fiscal year: *Provided further,* That the question of operation or suspension of any police regulation shall not be submitted to the electors of the city of Hastings more than once in each year.

This act is ordered to take immediate effect.

Approved March 20, 1907.

[No. 430.]

AN ACT to provide for the payment of salaries to the sheriff, prosecuting attorney, clerk, treasurer, register of deeds and deputies of said officers of Ingham county, Michigan, and provide for the collection of all fees and payment of the same to the county treasurer.

*The People of the State of Michigan enact:*

SECTION 1. In case a majority of the qualified electors of the county of Ingham shall vote in favor of the adoption of the provisions of this act, as hereinafter provided, the following salaries shall be paid annually to the several county officers herein named, out of the county treasury of said county, and the compensations herein named shall be in full for all services rendered for which the county may be liable and in lieu of all fees which are fixed by law.

Annual salary  
to county  
officers.

SEC. 2. While the population of said county remains under fifty thousand inhabitants, according to the last preceding United States census, the following salaries shall be paid: Sheriff, twenty-five hundred dollars; prosecuting attorney, sixteen hundred dollars; county clerk, eighteen hundred dollars; county treasurer, fifteen hundred dollars; register of deeds, eighteen hundred dollars; one deputy county clerk at Lansing, eight hundred dollars; one deputy county clerk at Mason, five hundred dollars; and deputy register of deeds, six hundred dollars.

While under  
50,000 inhab-  
itants.

SEC. 3. When the population of said county shall have attained fifty thousand inhabitants or over, according to the

When over  
50,000 inhab-  
itants.

## TERM "CITY" DEFINED.

SEC. 8. The term "City," whenever used in this act, shall be construed to mean the city of Hastings.

## CITY NOT TO OWN STOCK.

SEC. 9. The city of Hastings shall not become the owner or holder of stock or shares in any incorporated company.

## AFFIDAVIT OF PUBLICATION OF NOTICES.

SEC. 10. When, by the provisions of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ, knowing the facts, if such notice was required to be made by publication, or by the person posting the same, when required to be by posting, shall be prima facie evidence of the facts therein contained: *Provided*, That the same shall be filed with the city clerk within six months from the date of the last publication thereof, or of posting the same.

## HOW JUDGMENTS AGAINST CITY SHALL BE PAID.

SEC. 11. Whenever any judgment or decree of any court shall be rendered or decreed against the city, and the city shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the council of the city to issue the bonds of the city to an amount not exceeding the sum of the judgment or decree, and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be made payable at such time and place and at such rate of interest, not exceeding six per cent per annum, as shall be prescribed by the council, and such bonds shall be sold and disposed of at not less than par value, in such manner as may be deemed advisable by the council.

## REFERENDUM.

SEC. 12. It shall be the duty of the common council upon the petition in writing of fifty or more resident tax payers of the city of Hastings who are electors therein to submit to the qualified electors of said city the question whether or not any police regulation enacted by ordinance or resolution of the common council shall be in force in said city, and said election, if a special election, shall be held in the same manner as near as may be as is provided herein for general elections, and in case a majority of the persons voting at such election, either general or special, shall vote in favor of en-

forcing said police regulations, then the same shall continue to be in force until otherwise modified or repealed, and in case a majority of those voting at such election shall vote against a continuance in force of such police regulation, then the same shall be suspended in its operation until otherwise re-enacted: *Provided, however*, That nothing herein contained shall give the common council of the city of Hastings authority to enact such regulation or enforce the same during any fiscal year after the people have voted against its enforcement; nor shall the common council have power to restrain the operation of any police regulation after the people have voted in favor of its enforcement during any fiscal year: *Provided further*, That the question of operation or suspension of any police regulation shall not be submitted to the electors of the city of Hastings more than once in each year.

This act is ordered to take immediate effect.

Approved March 20, 1907.

[No. 430.]

AN ACT to provide for the payment of salaries to the sheriff, prosecuting attorney, clerk, treasurer, register of deeds and deputies of said officers of Ingham county, Michigan, and provide for the collection of all fees and payment of the same to the county treasurer.

*The People of the State of Michigan enact:*

SECTION 1. In case a majority of the qualified electors of the county of Ingham shall vote in favor of the adoption of the provisions of this act, as hereinafter provided, the following salaries shall be paid annually to the several county officers herein named, out of the county treasury of said county, and the compensations herein named shall be in full for all services rendered for which the county may be liable and in lieu of all fees which are fixed by law.

SEC. 2. While the population of said county remains under fifty thousand inhabitants, according to the last preceding United States census, the following salaries shall be paid: Sheriff, twenty-five hundred dollars; prosecuting attorney, sixteen hundred dollars; county clerk, eighteen hundred dollars; county treasurer, fifteen hundred dollars; register of deeds, eighteen hundred dollars; one deputy county clerk at Lansing, eight hundred dollars; one deputy county clerk at Mason, five hundred dollars; and deputy register of deeds, six hundred dollars.

SEC. 3. When the population of said county shall have attained fifty thousand inhabitants or over, according to the

Annual salary  
to county  
officers.

While under  
50,000 inhab-  
itants.

When over  
50,000 inhab-  
itants.

last preceding United States census, the following annual salaries shall be paid, beginning with the first day of January next thereafter: Sheriff, twenty-seven hundred dollars; prosecuting attorney, eighteen hundred dollars; county clerk, two thousand dollars; county treasurer, sixteen hundred dollars; register of deeds, two thousand dollars; one deputy county clerk at Lansing, one thousand dollars; one deputy county clerk at Mason, six hundred dollars; and deputy register of deeds, seven hundred dollars.

Deputies,  
appointment  
of.

SEC. 4. The prosecuting attorney may, subject to the approval of the board of supervisors, appoint a deputy prosecuting attorney who may be removed at the discretion of the prosecuting attorney, and the county treasurer may, subject to the approval of the board of supervisors appoint a deputy county treasurer who may be removed at the discretion of the county treasurer. The term of the deputies herein provided for shall expire with the term of the principal who shall have appointed them, and said board shall fix the salaries of said deputies. The number of deputy sheriffs shall be fixed by the board of supervisors, and the salaries of such deputies and of the under sheriff shall be fixed by said board at its October session in nineteen hundred seven, to take effect January one, nineteen hundred nine, and such salaries shall be fixed every two years thereafter.

Term.

Deputy  
sheriffs.

Additional  
deputy  
sheriffs, com-  
pensation.

SEC. 5. In times of emergency the sheriff, upon the order of the circuit court for the county of Ingham, made upon the petition of the sheriff or prosecuting attorney of said county, showing the necessity therefor, may appoint for such day or days as may be required, one or more additional deputies, who, for services actually rendered, shall receive the sum of two dollars per day and actual expenses, and no other compensation whatever. Upon completion of his service each deputy so appointed shall make and file with the county treasurer a full and detailed report, including his actual expense account, duly verified, of service rendered and official acts performed during the period of service, of all moneys received in fees, mileage, perquisites and emoluments on account of said appointment, and at the same time shall pay over to the county treasurer all moneys so received, which shall thereupon become the money of Ingham county. The sheriff may also appoint deputy sheriffs to protect private interests, who shall receive no compensation from Ingham county for services on account of such appointment. Said deputies so appointed may be required by the board of supervisors to file a detailed statement with the county clerk of all their official acts.

Protection of  
private in-  
terests.

Service of  
papers.

SEC. 6. All writs, subpoenas, warrants, summons, commitments and other papers, the service of which would be a proper charge against the county of Ingham, shall be served by the sheriff or any deputy the sheriff may direct, without charge.

SEC. 7. The sheriff and his deputies shall collect and make itemized statements of all fees required by law for the service of any process other than that of the county which shall be paid to the county treasurer the last day of each month, taking duplicate receipts therefor. The county treasurer, county clerk and register of deeds shall collect all fees required by law and make out an itemized statement of the same and pay them to the county treasurer the last day of each month, taking duplicate receipts therefor, one of such receipts to be filed with the county clerk. Collection of fees.

SEC. 8. The salaries aforesaid shall be paid monthly by the county treasurer, upon a warrant issued by the county clerk, but not until the itemized statement of all fees collected and paid over to the county treasurer hereinbefore provided for has been sworn to and filed with the county clerk. Salaries, when paid.

SEC. 9. All money received by the county treasurer by virtue of this act shall be credited to the general fund of the county. General fund.

SEC. 10. The board of supervisors is hereby empowered to pay the sheriff or his deputies any money actually expended by them in pursuance of their official duties; also to make contracts with the sheriff for the board and laundry of the prisoners lodged in the county jail; also to provide for all printing, stationery, postage, purchasing of books, records and other papers necessary for the public service. Board of supervisors to contract, etc., with sheriff.

SEC. 11. After this act shall have become operative, before any suit at law or in chancery shall be commenced in said court, there shall be paid to the clerk of said court, by the party commencing such suit, the sum of three dollars, and before any final judgment or decree shall be entered in any such suit, there shall be paid to the clerk of said court, by the prevailing party, the sum of three dollars. And if a jury shall be demanded by either party to such suit, such party shall, at the time of making such demand, pay to said clerk the sum of three dollars. In case both parties shall demand a jury, the clerk shall receive such sum from the party first making the demand therefor, and from him only. All moneys so received shall be paid by said county clerk to the county treasurer as provided in section seven of this act. The sums paid as aforesaid shall be held to be in full of all clerk, entry and jury fees in any such suit from the commencement thereof to and including the issuing and return of execution or other final process. The sum or sums so paid shall be taxed as costs of suit in favor of the party paying the same if he be the prevailing party, in addition to any other costs to which he may be entitled by law. Clerk, entry and jury fees.

SEC. 12. The question of the adoption of the provisions of this act shall be submitted to the people of Ingham county at the election to be held on the first Monday in April, nineteen hundred seven; and the sheriff of said county is hereby required to give notice of the same to the electors of the Costs of suits.

Provisions of act, when submitted

Form of,  
ballot, etc.

several wards and townships at least six days before such election. Suitable ballot boxes shall be prepared for the reception of the ballots cast on said proposition in the several townships, wards and precincts in said county. The form of the ballots to be used shall be the following:

"To place county officers on salary, Yes."

"To place county officers on salary, No."

Canvass.

The said ballots shall be prepared, furnished and distributed in the same manner as the other ballots used at such election, and the several boards of election inspectors shall see to it that the same are furnished to the electors in the same manner as other ballots are furnished. Said ballots shall be counted, canvassed and returned the same as the other ballots cast at said election. If a majority of all the ballots cast on said proposition by the electors of said county shall be in the affirmative, then the provisions of this act shall be in full force and effect, otherwise not.

This act is ordered to take immediate effect.

Approved March 23, 1907.

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[No. 431.]

AN ACT to authorize the city of Croswell, Sanilac county, Michigan, to borrow money and to issue its bonds therefor, for the purpose of grading, paving, curbing, macadamizing or otherwise improving the highways, streets and avenues of said city, and to provide for the levy and collection of taxes on the taxable property of said city to pay the same, in addition to other taxes now provided by law.

*The People of the State of Michigan enact:*

Bond issue;  
amount,  
term, etc.

SECTION 1. The city council of the city of Croswell from and after the passage of this act is hereby authorized and empowered to borrow money on the faith and credit of said city, in the sum not exceeding eighteen thousand dollars, for a term not exceeding fifteen years from the date of issue at a rate of interest not exceeding five per cent. per annum, payable annually, and to execute the coupon bonds of the city therefor in such form as the council may by a two-thirds vote of all the members elected determine, and to provide for the payment of the same, which bonds shall in no case be disposed of at less than their par value and shall be payable at such place or places as said council shall direct.

Money, how  
expended.

SEC. 2. All money borrowed under the provisions of this act shall be paid in and credited to the general street fund and expended by said city for the purpose of grading, paving, curbing, macadamizing or otherwise improving the high-

ways, streets and avenues in said city as said council shall direct.

SEC. 3. It shall be the duty of said council to provide by tax upon the taxable property in said city, or from any other fund it may have and not otherwise appropriated, for the payment of said sum of eighteen thousand dollars and interest upon the bonds under the authority of this act. Any tax assessed pursuant to this act may be in addition to that otherwise provided by law: *Provided*, That no bonds shall be issued or money borrowed for such purposes until the question shall be submitted by the council to the electors of the city at a regular annual election or at a special election called for that purpose, and a two-thirds' majority of all the electors voting at said election thereon shall decide. Tax levy, etc.  
  
Proviso,  
question  
submitted.

SEC. 4. This act or any provisions thereof shall not be construed to conflict with, repeal, supersede or abridge any of the provisions of the charter of said city with reference to defraying a part of the expense of improving any street, lane or alley by grading, paving, planking, graveling, curbing or otherwise, and of repairing the same as the council shall determine, upon the lots and premises included in a special assessment district to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be, or constituted of lands fronting upon such improvement, and such other lands in the opinion of the council may be benefited by the improvement as provided by said charter. Act, how  
construed.

This act is ordered to take immediate effect.

Approved March 23, 1907.

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[No. 432.]

AN ACT to amend sections one and two of chapter three; to add to chapter thirteen one section to be known as section twenty-one; to amend and re-enact chapter twenty-three of fourteen sections to be known and numbered one to fourteen inclusive; to amend section four of chapter thirty-nine, and to add to said chapter two sections to be known as sections five and six, of act number four hundred thirty of the local acts of eighteen hundred ninety-nine, entitled "An act to amend and revise the charter of the city of Battle Creek," approved June one, eighteen hundred ninety-nine, and the several acts amendatory thereof; and to repeal act number three hundred ninety-two of local acts of nineteen hundred five, approved March sixteen, nineteen hundred five, and all other acts or parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

Act amended. SECTION 1. Act number four hundred thirty of local acts of eighteen hundred ninety-nine, entitled "An act to amend and revise the charter of the city of Battle Creek," approved June one, eighteen hundred ninety-nine, and the various acts amendatory thereof is hereby amended by amending sections one and two of chapter three, to add to chapter thirteen one section to be known as section twenty-one; to amend and reenact chapter twenty-three of fourteen sections to be known and numbered one to fourteen inclusive; to amend section four of chapter thirty-nine and to add to said chapter two sections to be known as sections five and six, so that said amended sections and said added sections of said chapters shall read as follows:

CHAPTER III.

City officers. SECTION 1. The following officers shall be elected from among the electors of said city, to-wit: One mayor; one recorder, who shall be ex-officio city clerk; one treasurer; three assessors; two justices of the peace; and two constables, to be elected and hold their respective offices, as follows, and until their successors are elected and qualify, to-wit: At the annual charter election in April, nineteen hundred seven, and every two years thereafter there shall be elected one mayor, who shall hold said office for two years, and who shall be ineligible for two consecutive terms; one justice of the peace shall be elected for the term of four years, which justice shall enter upon the duties of his office the fourth day of July following his election, and one justice of the peace shall be elected every two years thereafter, for the term of four years; one assessor who shall be elected for the term of three years, and one assessor shall be elected annually thereafter, as provided in section three of chapter three of the act of which this is amendatory, which section is hereby continued in force and effect; one constable who shall hold his office for the term of two years, and one constable shall be elected annually thereafter for the term of two years. At the charter election to be held in April, nineteen hundred eight, and every two years thereafter, there shall be elected one recorder and one treasurer, who shall hold their respective offices for two years.

When elected and term.

Recorder and treasurer, when elected, etc.

Aldermen. SEC. 2. There shall be elected at the annual charter election of each year, in the several wards from among the electors thereof, one alderman, who shall hold his office for two years and until his successor shall be elected and qualify.



## CHAPTER XIII.

SEC. 21. The common council may construct and maintain sewers having outlets into the Kalamazoo river and Battle Creek stream, inside or outside the city limits, but where it can be done reasonably and at a justifiable expense all sanitary sewers shall empty into the Kalamazoo river in the vicinity of or below the junction of said streams, but storm drains and also, if deemed necessary, sewers provided for carrying storm water and small quantity of sanitary drainage may be entered directly into the adjacent stream. Private corporations and persons shall be subject to such restrictions, rules and regulations as may be prescribed by ordinance or otherwise in regard to the construction, operation and maintenance of sewers and drains with outlets in streams or other bodies of water within the city limits. The city of Battle Creek may condemn and obtain real estate and property rights, including those needed for sewer outlets, and proper connections to the same, either within or without the city limits, in the same manner as is now provided in section one, chapter fourteen, of this charter.

Sewers, power  
of council  
relative to.

Private corpo-  
rations, etc.,  
restrictions.

Sewer outlets,  
city may  
condemn  
property for.

## CHAPTER XXIII.

## JUSTICES OF THE PEACE AND CONSTABLES.

SECTION 1. Two justices of the peace shall be elected in accordance with the provisions of section one of chapter three of this act, and shall have and exercise within the county of Calhoun the same jurisdiction in all criminal cases, suits and proceedings as are or may be conferred upon or required of justices of the peace by the charter of the city of Battle Creek, and by the general laws and statutes of this State, except as otherwise provided in this act; they shall have original jurisdiction of all civil actions, not otherwise provided by law, wherein the debt or damage does not exceed the sum of one hundred dollars, and concurrent jurisdiction upon contract, express or implied, wherein the debt or damage does not exceed the sum of five hundred dollars; subject, however, to such provisions, exceptions and restrictions as exist under the general law pertaining to justices of the peace: *Provided, however,* That no justice of the peace of any township in the county of Calhoun shall have jurisdiction over any cause or proceeding where both parties to the same, or one or more of the plaintiffs, and one or more of the defendants reside in the city of Battle Creek at the time of the commencement of the proceedings or cause, nor in case where the original cause of action exists in favor of a plaintiff and

Jurisdiction.

Proviso.

against a defendant, both residents of said city, and has been assigned to a non-resident of said city. They shall have jurisdiction to hear, try and determine all actions arising within said city for the recovery of the possession of land, under chapter three hundred eight, of the Compiled Laws of eighteen hundred ninety-seven and the acts amendatory thereto, as is conferred upon justices of the peace of townships to hear, try and determine causes arising within townships under said chapter and said amendatory acts.

Exclusive jurisdiction.

SEC. 2. Said justices of the peace shall have exclusive jurisdiction, and are hereby authorized, empowered and required to inquire into, hear, try and determine, in a summary manner, all offenses which shall be committed within the city against any of the by-laws or ordinances made and enacted by the common council of said city, or arising under the provisions of any act or acts of which this is amendatory; to punish the offenders as by the said by-laws or ordinances, or by this act or the act or acts of which this is amendatory shall be prescribed or directed; to award all processes, to take recognizances for the keeping of the peace, for the appearance of persons charged, and upon appeal or certiorari and committing the person as occasion shall lawfully require.

Authority under charter.

Said justices of the peace are also hereby authorized and empowered to perform any and all acts or powers conferred upon justices of the peace by the provisions of the charter of the city of Battle Creek of which this is amendatory: *Provided, however,* This section shall not affect the jurisdiction of the justices of the peace now in office within said city.

Proviso.

Salary of justices.

SEC. 3. Said justices of the peace elected under the provisions of this act shall receive no fees to their own use, except as hereinafter provided, but in lieu thereof shall be paid from the city treasury an annual salary to be fixed by the common council of not less than one thousand dollars and not more than twelve hundred dollars, payable in equal monthly installments: *Provided,* That this act shall in no way affect the fees or compensation to which said justice may be entitled for the performance of marriage ceremonies, taking acknowledgments and administering oaths in matters not connected with any litigation begun, or pending before him or them: And *Provided further,* That said justices shall not engage in the collection of any claim or accounts, and shall not be connected, either directly or indirectly, with any collection agency or agencies.

Proviso, marriage fees.

Further proviso, collections.

Qualification and bond.

SEC. 4. Said justices of the peace shall qualify in the manner provided by the general laws of the State for justices of the peace, except that their bond shall also be approved by the common council.

Justice's clerk; appointment, salary, etc.

SEC. 5. There shall be a clerk for said justices of the peace, to be appointed by the common council upon the nomination of one or both of said justices, and who may be suspended or removed by both of said justices at any time with the consent of the majority of the common council, who shall receive

an annual salary to be fixed by a two-thirds vote of said common council, the same to be fixed on or before the first regular meeting of March of each year. Said salary shall be paid in equal monthly installments from the city treasury: *Provided*, That the common council shall fix the salary of said clerk for the year nineteen hundred seven, on or before the first regular meeting in June of that year. Proviso, salary when fixed.

SEC. 6. The clerk shall qualify by taking the constitutional oath and giving a bond in such amount and with such sureties as may be required by the common council. Oath and bond.

SEC. 7. Said clerk shall, under the direction of said justices, keep and record therein, dockets, as provided by the general laws of the State; and also one in which shall be kept and recorded all cases and actions arising under the city ordinances, rules and by-laws. He shall also file and safely keep and care for all books, records, papers and other things coming into his hands as such clerk, being subject at all times to the direction and control of said justices; which dockets shall be duly signed by the respective justices. Clerk, duty of.

SEC. 8. The justices of the peace, now in office, shall continue to hold their offices until the expiration of their respective terms, and no longer; and so long as they remain in office, their jurisdiction shall remain unchanged. Justices now in office.

SEC. 9. As the term of the office of the justices of the peace now in office shall expire, their dockets, and the dockets then in their possession shall be turned over to the justice provided for in this act whose term of office shall last expire; and said justice is hereby authorized to issue executions, or other process, as is now, or may be, authorized by the statutes of the State, applicable to justices of townships. Dockets turned over to successor.  
Executions, etc.

SEC. 10. Any vacancy in the office of justice of the peace shall be filled for the unexpired term in the manner provided for filling vacancies in office by the act of which this is amendatory, by election, at any general election, or charter election held in the city, or any special election held for that purpose, in accordance with the provisions of this act, or of the acts of which this is amendatory for holding special elections. Vacancy, how filled.

SEC. 11. In every civil action commenced and prosecuted before the justices of the peace, or either of them, and in all subsequent proceedings in any such action, the party or parties to such suit or proceeding shall pay to the said justice, or clerk, the statutory fees of the justice and constable therefor for all services rendered at the time of the rendition of the same, which amount shall be entered in a book to be kept by the justice or clerk, showing the date, from whom and for what purpose received, and the amount of the same. And said money so collected shall be paid over to the city treasurer, together with a sworn statement of the same, monthly, and a duplicate receipt therefor given by said treasurer; which money shall be credited to the general fund of said city, unless otherwise ordered by the common council. Fees in civil actions.  
  
Where paid; how credited.

Fees in  
criminal cases,  
record of.

Each of said justices of the peace shall also, by himself or clerk, keep a book in which shall be recorded all of the fees and costs to which the justice of the peace and officers would be entitled under the general laws of the State, in criminal cases, and in all such proceedings the county of Calhoun shall be liable to the city of Battle Creek for the amount of justices', constables' and other fees and costs to the same extent that it is liable under the general laws of the State for justices' and constables' fees and costs. Each justice and constable shall make out and certify such bill of costs for services rendered by him, and present the same to the board of supervisors of said county, and said board shall allow the same as in other cases of bills from justices and constables; and the amount of the order therefor shall be made out and paid to the city treasurer, and be credited to the general fund of said city, unless otherwise ordered by the common council of said city.

Certified bill  
for services of  
justice and  
constable.

Stenographer,  
when may be  
appointed.

SEC. 12. In case of examination of offenders against the criminal laws of this State, where a justice has jurisdiction to examine, or hold to bail only, it shall be lawful for the justice, on motion of the prosecuting attorney to cause an order to be entered in his docket before or during the pendency of such examination, to appoint some suitable stenographer to take down in shorthand, or otherwise, the testimony in such examination; and such stenographer so appointed shall receive such per diem as compensation for the time so expended in taking such testimony and such price per folio for writing out the same in longhand, as shall be fixed by the board of supervisors, the same to be allowed and paid out of the treasury of the county of Calhoun.

Compensation  
of.

Court rooms,  
furnishings,  
etc.

SEC. 13. The common council shall provide and furnish for said justices suitable and convenient court room or rooms, with jury room adjacent, and a private office for each of said justices; and shall provide and furnish the same with desks, fire-proof safe, tables, furniture, fuel, blanks and stationery, and janitor service, and such other things as may be necessary and required to properly transact the business of said justices.

Constables,  
power.

SEC. 14. The constables of the city, elected as provided by section one, chapter three of this act, shall have the like powers and authority in civil and criminal cases, and in relation to the serving of all manner of civil and criminal processes, as is conferred upon constables of townships; they shall also have power to serve all processes issued for breaches of ordinances and the by-laws of the city, and shall be ex-officio members of the police force of the city. Each constable, before entering upon the duties of his office, shall give such security for the performance of his duties as is required of constables of townships, and also such as is required by the common council of the city of Battle Creek, and file the same with the recorder before entering upon the duties of his office. Each of said constables shall receive a salary to be determined by the common council on or before the second

Security  
given.

Salary, how  
determined.

Monday in March, for each year for the ensuing year, the same to be paid in monthly installments, by the treasurer, in the same manner as other salaries are paid: *Provided*, That the common council shall fix the said salary for the year nineteen hundred seven the first Monday after this act shall take effect. Said constables shall receive no fees or perquisites for the performance of any of the duties required of them, as such constable, in any case except in cases where services are performed outside of said city, when they shall receive from said city their actual and necessary expenses to be allowed by the common council, like other claims. Each of said constables shall keep a correct and itemized account of all expenses, and of all fees in criminal cases, which, by the general laws of this State, he would be entitled to receive for services rendered by him, as such constable, if compensation for such services were not made by salary as herein provided, and file a verified statement thereof with one of the justices at the close of each month. The prosecuting attorney shall examine the same and shall certify thereon whether he believes the same to be correct, and certify the same to the common council. Said constables shall also keep an itemized statement of all fees and compensation collected by them, upon all civil cases, and such money so collected shall be turned over, monthly, together with a verified and itemized statement of the same, to the city treasurer, for which duplicate receipts shall be given, which said amount shall be credited to the general fund of said city, by the treasurer, unless otherwise directed by the common council: *Provided*, That the common council may provide for a horse or other conveyance to be used or employed by said constables in the performance of their duties.

Proviso.

Fees

Itemized account in criminal cases.

Prosecutor to examine, etc.

In civil cases.

Proviso, conveyance.

## CHAPTER XXXIX.

SEC. 4. The mayor of said city shall be paid an annual salary of three hundred dollars; and each alderman shall be paid an annual salary of one hundred dollars at such time or times as the common council may direct: *Provided*, That such salaries may be increased to five hundred dollars for the mayor and three hundred dollars for each alderman in case the majority of the electors of said city voting on said proposition at any charter election may so determine, and the common council is hereby authorized to submit such question to the electors of said city for their determination at any charter election hereafter held.

Salary of mayor and aldermen.

Proviso, increase.

SEC. 5. In case any claim for unliquidated damages shall be made against said city, or any of its officers, for any injury to person or property by reason of any defect in any sidewalk, crosswalk, street, highway, bridge, alley, court, park, or other public ground or place, in said city, or by reason of any negligence upon the part of said city or any of

Claims for unliquidated damages, etc.

When written  
statement  
given.

What to  
specify.

When claim  
void.

Bar to  
proceedings.

its officials, or its employes in any public work in which it or they may be engaged, or if any claim shall be made against said city in any action of tort, the claimant in such case shall present the same in writing to the common council within sixty days after such injury or wrong shall occur; which claim shall state the time, the place where such injury or wrong occurred or was received, the name or names of claimant's witnesses concerning the same, then known to claimant, a full description of the injury sustained and a concise statement of the facts constituting such claimant's demand against said city, and any other or further statement that may be required by said common council in order to learn all of the facts in connection therewith; and if said claim shall arise from or claimed to have been received by reason of any defect in any sidewalk, crosswalk, street, highway, bridge, alley, court, park, or other place in said city, or in any public works in which said city, or its officials shall be engaged, the claimant who alleges such injury shall give notice to the common council by a written statement, filed with the city recorder, within sixty days of the time of such injury, specifying the location upon the street, alley, highway, lane, sidewalk, crosswalk, bridge, court, park or other public place or ground where the same is alleged to have been received, and the general character and description of the alleged defect claimed to have existed, and the general results of such injury; said preliminary notice of sixty days not to take the place of the specific notice hereinbefore required to be filed within the sixty days. If required by the common council, or a committee thereof, such claimant shall produce his witnesses before said common council or a committee thereof, which council, or its committee, shall have authority to examine such witnesses, under oath, as to the nature of the claim or claims, the amount of the damage resulting therefrom, and the particular facts and circumstances upon which said claim is based. The common council, or a committee thereof, shall have the power to subpoena witnesses in such hearings. Any such alleged claim against the city, or any officers thereof, shall be void unless such claimant shall bring an action against said city within one year from and after said common council shall have had a reasonable time (not to exceed sixty days) in which to investigate and pass upon the same.

SEC. 6. It shall be a sufficient bar to any action or proceedings brought in any court for the recovery of any claim mentioned in the preceding section, against said city, that such claim has never been presented to the common council, or notice thereof given, either as to the place, or time, of said injury, or of specific facts upon which such claim is based, as provided for in the preceding section, within the time therein limited; or that the action or proceeding was brought before said common council had such reasonable time to investigate and pass upon the same, as hereinbefore provided; or that such claimant did not produce any witnesses for ex-

amination upon said claim made, as required by the preceding section; or that the action or proceedings were not brought within one year after the time elapsed for the common council in which to investigate and pass upon such claim, as hereinbefore provided.

SEC. 2. Act number three hundred ninety-two of local acts of nineteen hundred five, approved March sixteen, nineteen hundred five, and all other acts or parts of acts inconsistent with, or contravening this act, are hereby repealed. Act repealed.

This act is ordered to take immediate effect.

Approved March 23, 1907.

[No. 433.]

AN ACT to reorganize and define anew the boundaries of the townships of Houghton and Sherman in the county of Keweenaw, State of Michigan.

*The People of the State of Michigan enact:*

SECTION 1. Hereafter the township of Houghton in Keweenaw county, State of Michigan, shall be constituted and bounded as follows: Beginning at the shore of Lake Superior at the northwest corner of section nineteen in town fifty-eight north, range thirty-one west, thence directly south along the west line of towns fifty-eight and fifty-seven north, range thirty-one west, to the southwest corner of section nineteen in town fifty-seven north, range thirty-one west; thence directly east on the south line of sections nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four of town fifty-seven north, range thirty-one west, to the southeast corner of said section twenty-four; thence north on the east line of sections twenty-four, thirteen, twelve and one to the northeast corner of town fifty-seven north, range thirty-one west; thence east to the southeast corner of section thirty-one in town fifty-eight north, range thirty west; thence north along the east line of sections thirty-one, thirty, and nineteen in town fifty-eight north, range thirty west, to the northeast corner of said section nineteen; thence directly west to the northwest corner of section twenty-two in town fifty-eight north, range thirty-one west; thence north to the shore of Lake Superior; thence southerly and westerly along said shore to the place of beginning. Houghton township, boundaries of.

SEC. 2. Hereafter the township of Sherman in Keweenaw county, State of Michigan, shall be constituted and bounded as follows: Beginning at a point where the southern boundary of Keweenaw county touches Lake Superior, thence west along said southern boundary to the southwest corner of sec- Sherman township, boundaries of.

tion thirty-one in town fifty-six north, range thirty-one west; thence north on the west line of townships fifty-six and fifty-seven north, range thirty-one west, to the northwest corner of section thirty in town fifty-seven north, range thirty-one west; thence east along the north line of sections thirty, twenty-nine, twenty-eight, twenty-seven, twenty-six and twenty-five in town fifty-seven north, range thirty-one west, to the northeast corner of said section twenty-five; thence north along the east line of section twenty-four in said township to the northeast corner of said section twenty-four; thence east along the north line of sections nineteen, twenty and twenty-one in town fifty-seven north, range thirty west, to the northeast corner of said section twenty-one; thence south along the east line of sections twenty-one, twenty-eight and thirty-three in town fifty-seven north, range thirty west, and sections four and nine in town fifty-six north, range thirty west, to the shore of Lake Superior; thence westerly and southerly along the shore of Lake Superior to the place of beginning.

This act is ordered to take immediate effect.

Approved March 23, 1907.

[No. 434.]

AN ACT to provide for the construction of a bridge across Rogue river in the township of Plainfield, county of Kent, and for the raising of funds to defray the costs and expenses thereof.

*The People of the State of Michigan enact:*

Authority to  
construct  
br.dge.

SECTION 1. The township board of the township of Plainfield, in the county of Kent, is hereby authorized to and shall construct a public bridge across the Rogue river on section two in township eight north, range eleven west, on the highway running across said section and crossing said river at a point known as Childs' Mills, at a cost of not more than four thousand dollars: *Provided*, That a majority of the qualified electors of said county, voting on the question as hereinafter provided, shall so determine, and not otherwise.

Proviso,  
how deter-  
mined.

Question,  
when sub-  
mitted.

SEC. 2. The question of raising the money to build said bridge shall be submitted to the qualified electors of the county of Kent at the regular spring election held therein in the year nineteen hundred seven, and the vote upon the question shall be by ballot. The electors voting in favor of the county of Kent raising the necessary money to build said bridge shall have written or printed upon their ballots the

Ballot, form  
of.



words: "Shall the county of Kent raise the money to build a bridge across Rogue river, in Plainfield township, at a point known as Childs' Mills.—Yes."

The electors voting against the question of the county raising the necessary money to build said bridge shall have written or printed upon their ballots the words: "Shall the county of Kent raise the money to build a bridge across Rogue river, in Plainfield township, at a point known as Childs' Mills.—No."

SEC. 3. A majority of the qualified electors of said county, voting in their respective townships in said county and in the respective wards in the city of Grand Rapids in said county voting on said question in favor thereof, shall authorize the assessing and collecting of the amount necessary to build said bridge, and the township board of the township of Plainfield shall cause the said bridge to be constructed at a cost not to exceed four thousand dollars, and after the construction of said bridge the township of Plainfield shall thereafter maintain the same. Majority vote to authorize.

SEC. 4. The cost of said bridge and the construction thereof shall be assessed on the taxable property of the several townships in the said county of Kent and the several wards of the city of Grand Rapids in said county, according to their assessed valuation in the year nineteen hundred seven, and the same shall be collected in the same manner as other taxes and shall be paid by the respective township treasurers and the treasurer of the city of Grand Rapids into the hands of the county treasurer of said county, who shall hold the same as a separate fund and pay out the same only on orders of the township board of the township of Plainfield, for the purpose of the construction of said bridge or for paying indebtedness incurred on account of said construction and for no other purpose. Bridge, how maintained.

Cost, how assessed and collected.

Separate fund.

This act is ordered to take immediate effect.

Approved March 26, 1907.

[No. 435.]

AN ACT to amend sections one and three of chapter four and section one of chapter twenty-seven of act number four hundred seventy-five of the local acts of eighteen hundred ninety-seven, entitled "An act to reincorporate the city of Kalamazoo and to repeal an act, entitled 'An act to incorporate the city of Kalamazoo,' and to repeal an act, entitled 'An act to reincorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts approved March fifteen, eighteen hundred sixty-one, as amended by the several acts amendatory thereof,' approved June eight, eighteen hundred eighty-three, as amended by the several acts amendatory thereof, and to repeal all inconsistent acts and parts of acts," approved June two, eighteen hundred ninety-seven, as amended by the several acts amendatory thereof, and to repeal all inconsistent acts and parts of acts.

*The People of the State of Michigan enact:*

Sections  
amended.

SECTION 1. Sections one and three of chapter four and section one of chapter twenty-seven of act number four hundred seventy-five of the local acts of eighteen hundred ninety-seven, entitled "An act to reincorporate the city of Kalamazoo and to repeal an act, entitled 'An act to incorporate the city of Kalamazoo' and to repeal an act, entitled 'An act to reincorporate the village of Kalamazoo and to repeal all inconsistent acts and parts of acts, approved March fifteen, eighteen hundred sixty-one, as amended by the several acts amendatory thereof' approved June eight, eighteen hundred eighty-three, as amended by the several acts amendatory thereof and to repeal all inconsistent acts and parts of acts" approved June two, eighteen hundred ninety-seven, as amended by the several acts amendatory thereof are hereby amended, and all acts or parts of acts inconsistent herewith are repealed.

#### CHAPTER IV.

Municipal  
election;  
terms of  
office, etc.

SECTION 1. A municipal election shall be held each and every year on the first Monday in April. A plurality vote shall be necessary for the election of any officer. The terms of all officers provided for in this session [section] shall begin on the second Monday in April immediately following their election. At the municipal election held in the year nineteen hundred seven and every year thereafter one person shall be elected as mayor, one person as treasurer and four persons as constables, who shall respectively hold their offices for one year. At the municipal election held in nineteen hundred eight and

each and every year thereafter one person shall be elected as justice of the peace, who shall hold his office for four years. At the municipal election held in nineteen hundred eight and every four years thereafter one person shall be elected as recorder, who shall hold his office for four years. The electors of each ward shall annually elect one person as alderman, who shall hold his office for two years. The mayor and aldermen shall be and constitute the city council, and a majority shall constitute a quorum. The city clerk and any two aldermen appointed by the mayor for that purpose, shall constitute the election commission, who shall have charge of the preparation of the official ballots and such other matters as devolve upon similar officers under the general election laws of this State. No person shall be elected as justice of the peace in the year nineteen hundred seven. The files, records and dockets of the justice of the peace, whose term of office expires in the year nineteen hundred seven, shall be transferred and delivered to the justice of the peace, whose term of office next expires, which said last mentioned justice of the peace is hereby empowered to issue execution according to law upon judgments appearing upon such dockets so transferred to said justice of the peace with the same effect as if such judgment had been rendered by him; and said justice of the peace to whom such dockets are transferred shall in all respects be considered the successor in office of said justice of the peace whose term of office expires in nineteen hundred seven, and shall possess and exercise the same power and authority concerning cases then pending as is now given by the general laws of the State to successors in office of justices of the peace.

City council.

Election  
commission.Justice to  
transfer files,  
dockets, etc.

SEC. 3. Notice of the time and place of holding any election and of the officers to be elected, and the questions or propositions, if any, to be voted upon, shall, except as otherwise provided for, be given by the city clerk at least five days previous to such election, by posting such notice in three public places in said city, or by publishing a copy thereof in a newspaper printed and published in said city the same length of time before election; and in case any question or proposition is to be voted upon, such notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing the election. The city council may designate the polling places of the different wards, and such designation may be made at any time previous to the time provided for giving notice of election. In case the council shall fail to designate polling places previous to any election, such election shall be held at the polling places used at the last election, or in case it shall be inconvenient or impossible to use any such polling place, the ward inspectors of elections shall proceed in accordance with section six hundred eighty-eight of Howell's annotated statutes.

Election  
notice.Ward polling  
places.

## CHAPTER XXVII.

Compensation  
of mayor, etc.

SECTION 1. The mayor shall be entitled to receive a salary of five hundred dollars a year for his services as mayor. Aldermen shall be allowed a compensation of three hundred dollars a year. Justices of the peace, constables and officers serving process and making arrests shall be allowed such fees as are provided for like services by the general laws of the State.

This act is ordered to take immediate effect.

Approved March 26, 1907.

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[No. 436.]

AN ACT to regulate the time of opening and closing the polls in the election districts of the townships of Ecorse and Springwells, in the county of Wayne and State of Michigan, at general and primary elections for State, county and township officers.

*The People of the State of Michigan enact:*

Polls, when to  
open and close.

SECTION 1. At all State, county and township elections, and at all primary elections for the direct nomination of candidates for State, county and township offices, the polls in the election districts of the townships of Ecorse and Springwells, in the county of Wayne and State of Michigan, shall open at seven o'clock a. m., standard time, and close at eight-thirty o'clock p. m., standard time.

Repealing  
clause.

SEC. 2. All acts or parts of acts in conflict with provisions of this act are, in so far as they conflict herewith, hereby repealed.

This act is ordered to take immediate effect.

Approved March 26, 1907.

## [No. 437.]

AN ACT to authorize the township of Plainfield, in Iosco county, to transfer the sum of two thousand dollars from the contingent fund to the highway fund.

*The People of the State of Michigan enact:*

SECTION 1. The township of Plainfield, in Iosco county, is hereby authorized and empowered to transfer the sum of two thousand dollars from the contingent fund of said township to the highway fund of said township: *Provided, however,* That such money shall not be transferred until a majority of the electors voting upon the question at an annual township meeting, or special meeting called for such purpose, shall vote in favor of the transferring of said money.

Transfer of funds.

Proviso, how determined.

This act is ordered to take immediate effect.

Approved March 26, 1907.

## [No. 438.]

AN ACT to amend section one of chapter four of an act, entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seven, eighteen hundred ninety-one, and acts amendatory thereof.

*The People of the State of Michigan enact:*

SECTION 1. Section one of chapter four of an act, entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seven, eighteen hundred ninety-one, and acts amendatory thereof, is hereby amended so as to read as follows:

Section amended.

SECTION 1. On the first Monday in April, nineteen hundred seven, and biennially thereafter, the following officers shall be elected by the qualified electors of the whole city, voting in their respective wards, viz.: One mayor, one treasurer, one recorder and two constables. There shall also be elected at each election by the qualified voters of each ward on a ward ticket one supervisor and one alderman.

City officers, when elected.

SEC. 2. All acts or parts of acts inconsistent with or in any manner contravening the provisions of this act are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved March 26, 1907.

[No. 439.]

AN ACT providing for the appointment, terms of office and compensation of county road commissioners for the county of Iron, and the levying of county road tax within all townships in said county.

*The People of the State of Michigan enact:*

Board of  
county road  
commission-  
ers; term.

SECTION 1. The board of county road commissioners for the county of Iron shall consist of three members who shall be appointed by the board of supervisors of said county for the term of three years, from and including the first day of May following such appointment.

When  
appointed.

SEC. 2. Said county road commissioners shall in the first instance be appointed between the fifteenth day of March and the first day of May, nineteen hundred seven, one for the term of one year, one for the term of two years and one for the term of three years, from and including the first day of May, nineteen hundred seven, but their respective terms of office shall begin immediately upon filing their oaths of office as hereinafter provided, and thereafter one commissioner shall be appointed by said board of supervisors, between the first day of March and the fifteenth day of April in each year, for the term of three years as provided in section one of this act.

On notice of  
appointment  
to file oath.

SEC. 3. The clerk of said county shall within five days after the appointment of any commissioner notify him in writing of his appointment, and such commissioner shall within ten days after being so notified take and subscribe the constitutional oath of office and file the same with the said clerk.

Compensation.

SEC. 4. The compensation of the county road commissioners shall be fixed by the board of supervisors of said county, by annual salary or otherwise. Vacancies that may occur in the office of county road commissioner shall be filled by said board of supervisors for the unexpired portion of the term. The said board of supervisors may remove at will without notice or hearing any member of said board of county road commissioners, whenever in their opinion such member is deemed to be disqualified or incompetent to hold such office or that he is guilty of negligence in the conduct of his work or careless in the expenditure of county moneys.

Law  
governing.

SEC. 5. The provisions of section numbered four thousand two hundred eighty-one of the Compiled Laws of eighteen hundred ninety-seven, shall control the action of the county road commissioners in all matters therein mentioned, except the amount of money to be raised by tax for county road purposes. In determining the amount of money to be raised for all county road purposes, the board of county road commissioners shall on or before October first in each year make a detailed statement of the work it proposes to do and the roads they intend to build and improve and the amount of

money needed to pay for such improvement, and present the same to the board of supervisors of said county for its approval. The board of county road commissioners of said county may, and it is hereby authorized and empowered by and with the consent of the board of supervisors of said county, raise by tax on all taxable property in said county for county road purposes a sum of money not exceeding six dollars on each one thousand dollars of the assessed valuation upon the assessment rolls of the county for the preceding year, nor shall the sum so raised exceed two dollars on each one thousand dollars of such valuation without first having obtained the consent of said board of supervisors.

Amount may  
raise by tax.

SEC. 6. All townships in said county of Iron, whether any one or more of them have adopted and may be operating under a township road system, as provided by sections four thousand two hundred eighty-four to four thousand two hundred ninety of the Compiled Laws of eighteen hundred ninety-seven, or not, shall be liable for and shall have county road tax levied therein, notwithstanding the provisions of section four thousand two hundred eighty-eight of Compiled Laws of eighteen hundred ninety-seven.

County road  
tax; all  
townships  
liable for.

SEC. 7. Act number one hundred forty-nine of the public acts of eighteen hundred ninety-three, entitled "An act to provide for a county and township system of roads, and to prescribe the powers and duties of the officers having the charge thereof, and all acts amendatory thereto," shall be and remain in force in and for the said county of Iron, where not in conflict with the provisions of this act.

Act  
governing.

SEC. 8. The board of county road commissioners elected in the county of Iron, under the provisions of act number one hundred forty-nine of the public acts of Michigan for the year eighteen hundred ninety-three, and the acts amendatory thereof, is hereby abolished.

Certain board  
abolished.

This act is ordered to take immediate effect.

Approved March 26, 1907.

[No. 440.]

AN ACT to regulate the time of opening and closing the polls in the election district of the township of Royal Oak, in the county of Oakland, and of the village of Royal Oak in said township, at general and primary elections for State, county, township and village officers.

*The People of the State of Michigan enact:*

SECTION 1. At all State, county, township and village elections, and at all primary elections for the direct nomina-

Polls, when  
opened and  
closed.

tion of candidates for State, county, township and village officers; the polls in the election district of the township of Royal Oak, in the county of Oakland, and of the village of Royal Oak in said township, shall open at seven o'clock a. m., standard time, and close at 8 o'clock p. m., standard time.

Repealing  
clause.

SEC. 2. All acts and parts of acts, in so far as they conflict with the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved March 26, 1907.

[No. 441.]

AN ACT to incorporate the village of Baroda in the county of Berrien, Michigan.

*The People of the State of Michigan enact:*

Territory  
incorporated.

SECTION 1. All that territory situate and being in the township of Lake, in the county of Berrien, State of Michigan, described as follows, to-wit: The southeast quarter of the southwest quarter, and the southwest quarter of the southeast quarter of section eleven, and the north half of the northwest quarter, and the northwest quarter of the northeast quarter of section fourteen, all in township six south, range nineteen west, is hereby incorporated as the village of Baroda.

Board of  
registration,  
election com-  
missioners and  
inspectors.

SEC. 2. William E. Hogue, Louis A. King, Benjamin Bihlmire and Jacob M. Raas are hereby constituted a board of registration, and also a board of election commissioners and election inspectors for the first election to be held in said village; and the said board of registration is hereby required to meet at Phiscator opera house, in said village, on the Saturday next preceding said election, and remain in session from nine o'clock in the forenoon until five o'clock in the afternoon of said day, and register all persons residing in said village, having the qualifications of voters at annual township meetings, who present themselves for registration.

Board of  
registration.

First election.

SEC. 3. The first election of officers of said village shall be held on the eighth day of April, nineteen hundred seven, at Phiscator opera house in said village, and at such election the polls shall be opened at seven o'clock in the forenoon and shall be closed at five o'clock in the afternoon.

Notice of,  
how given.

SEC. 4. The said boards shall give public notice in writing, in three public places in said village, of the time and place of the meeting of said board of registration, and of the time and place of holding said election, at least one week immediately preceding the same.

Act governing  
village.

SEC. 5. The said village shall in all things not herein otherwise provided, be governed by act number three of the public



acts of Michigan for the year eighteen hundred ninety-five, and the several amendments thereto.

Sec. 6. In case the officers of said village are not elected at the time designated in section three of this act, an election for officers may be held within thirty days after the time so designated, by giving the notices as provided in this act.

In case officers not elected.

This act is ordered to take immediate effect.

Approved March 26, 1907.

[No. 442.]

AN ACT to authorize and empower the Public Schools of Highland Park, in the county of Wayne, to borrow the sum of sixty thousand dollars for the purpose of paying for the completion of the Stevens school in said village, and to purchase a site for an additional school and to erect and furnish a schoolhouse thereon and to issue bonds therefor.

*The People of the State of Michigan enact:*

SECTION 1. The Public Schools of Highland Park, in the county of Wayne, is hereby authorized and empowered to borrow the sum of sixty thousand dollars for the purpose of paying for the completion of the Stevens school in said district of the Public Schools of Highland Park and to purchase a site for an additional schoolhouse and to erect and furnish a schoolhouse thereon, and to issue bonds, pledging the faith and credit of the Public Schools of Highland Park, in the sum of sixty thousand dollars par value to secure the repayment thereof. Each of said bonds shall be for the sum of one thousand dollars and shall severally be issued in the manner and at such times as hereinafter provided. Said bonds shall severally become due and payable in fifteen years from the date of issue and shall draw interest at the rate of not to exceed five per cent per annum, payable annually or semi-annually as the board of trustees may direct: *Provided*, That none of said bonds shall be sold for less than par value, but said bonds may be sold for par and such additional premium as may be offered therefor. Said bonds shall be sold to the highest responsible bidder. The board of trustees shall fix a day and hour when bids therefor shall be opened, and shall advertise in at least two daily newspapers of general circulation in the city of Detroit, once each week for three consecutive weeks immediately prior to such day, for bids for such bonds. At the time so fixed the bids therefor shall be opened, and thereafter no bid shall be received unless all bids are rejected. Said board of trustees may reject any and all bids in their discretion and may readvertise therefor. Said board

Bonds for school purposes.

Amount.

Maturity and interest.

Proviso, par value.

Bids, when opened, etc.

Guarantee.

of trustees may require the deposit of not to exceed one thousand dollars with each bid, as a guarantee of the good faith thereof.

Submission  
to electors.

Proviso,  
notice given.

Proviso,  
resubmission.

SEC. 2. Before any work shall be done, money borrowed or bonds issued as herein provided, the board of trustees shall submit to a vote of the qualified electors of said district of the Public Schools of Highland Park at any annual election or at any special election: *Provided*, Public notice thereof and of the question to be submitted is given to the electors of said district at least ten days before the date of the holding of such special election by posting copies of such notice in five of the most public places in said district, the question "For the issue of school bonds? Yes." "For the issue of school bonds? No." If on such vote on the question submitted a majority of the voters vote "yes," the said sum of sixty thousand dollars may be borrowed and the bonds issued as herein provided, otherwise not: *Provided*, That if, on the submission of such proposition, such proposition does not receive a majority of affirmative votes, the same proposition may be thereafter again submitted as often and at such times as the board of trustees may direct, in like manner and with like effect as herein provided for the first submission of the proposition; but no election shall be held within six months after such proposition shall have been rejected.

This act is ordered to take immediate effect.

Approved March 26, 1907.

### [No. 443.]

AN ACT to authorize the city of Wyandotte, in the county of Wayne, and State of Michigan, to borrow money and issue bonds therefor, for the purpose of paying for the paving of street intersections on South Biddle avenue and Oak street.

### *The People of the State of Michigan enact:*

Bonds for  
paving.

SECTION 1. The common council of the city of Wyandotte is hereby authorized and empowered to borrow money on the faith and credit of said city and issue bonds therefor, to an amount not exceeding twenty-five thousand dollars, which money shall be expended in paying for paving street intersections on Biddle avenue and Oak street in said city.

Amount,  
maturity, etc.

Proviso.

SEC. 2. The amount of each bond, place of payment of principal and interest, time and condition of payment and time of maturity, is left to the discretion of the common council of said city: *Provided, however*, That such bonds shall not be sold for less than par value, nor shall the rate

of interest exceed five per cent per annum and the time of maturity shall not extend beyond thirty years.

SEC. 3. Such bonds, when issued, shall be signed by the mayor of said city and countersigned by the clerk of said city, and negotiated by and under the direction of the city council, and the money arising therefrom shall, under the direction of the city council, be applied for the purpose for which said money was raised and for no other purpose, and said city council shall have the power, and it shall be its duty, to raise by tax upon the taxable property of said city such sum or sums as shall be sufficient to pay said bonds and the interest thereon when the same shall become due.

Manner of  
issue, money  
how applied.

Tax levy.

This act is ordered to take immediate effect.

Approved March 26, 1907.

[No. 444.]

AN ACT to amend section eleven of Chapter VII of act number three hundred thirty-three of the local acts of eighteen hundred eighty-nine, entitled "An act to incorporate the city of Cheboygan and to repeal an act, entitled 'An act to reincorporate the village of Cheboygan,' approved March twenty-seven, eighteen hundred seventy-seven."

*The People of the State of Michigan enact:*

SECTION 1. Section eleven of Chapter VII of act number three hundred thirty-three of the local acts of eighteen hundred eighty-nine, entitled "An act to incorporate the city of Cheboygan and to repeal an act, entitled 'An act to reincorporate the village of Cheboygan,' approved March twenty-seven, eighteen hundred seventy-seven," is hereby amended to read as follows:

Section  
amended.

## CHAPTER VII.

SEC. 11. The city clerk shall report to the council whenever required, a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require. The city clerk shall receive such annual salary as may be determined by ordinance or resolution of the council, not to exceed twelve hundred dollars, and shall receive no other compensation from the city for any kind of services to be performed by

City clerk,  
duty of.

Salary.

him under the provisions of this act or by direction of the city council, or any board of which he may be clerk.

This act is ordered to take immediate effect.

Approved March 26, 1907.

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[No. 445.]

AN ACT to amend sections one and seven of chapter three, section four of chapter six and section forty-two of chapter seven of an act, entitled "An act to incorporate the city of Cheboygan, and to repeal an act, entitled 'An act to reincorporate the village of Cheboygan,' approved March twenty-seven, eighteen hundred seventy-seven," approved March thirteen, eighteen hundred eighty-nine, as amended, being act number three hundred thirty-three of the local acts of eighteen hundred eighty-nine, and to add eight new sections thereto.

*The People of the State of Michigan enact: .*

Sections  
amended.

SECTION 1. Sections one and seven of chapter three, section four of chapter six and section forty-two of chapter seven of an act, entitled "An act to incorporate the city of Cheboygan and to repeal an act, entitled 'An act to reincorporate the village of Cheboygan, in the county of Cheboygan,' approved March twenty-seven, eighteen hundred seventy-seven," approved March thirteen, eighteen hundred eighty-nine, as amended, being act number three hundred thirty-three of the local acts of eighteen hundred eighty-nine, are hereby amended to read as follows:

CHAPTER III.

City officers.

SECTION 1. In the city incorporated under this act there shall be the following city officers, viz.: One mayor, one treasurer, and two justices of the peace, who shall be elected by the qualified voters of the whole city, voting in their respective wards.

Justices of the  
peace.

SEC. 7. There shall be no election of justices of the peace in said city, except to fill any vacancies that may hereafter occur, in the years nineteen hundred seven and nineteen hundred eight, and the officers [offices] of the justices of the peace in said city now held by the justices whose terms expire on the fourth day of July, nineteen hundred seven, and the fourth day of July, nineteen hundred eight, are hereby abolished from and after said last named dates respectively. The files,

records and dockets appertaining to the offices of justice of the peace of said city, abolished by this act shall be kept in the office of the city clerk of said city, and either of the justices of the peace of said city shall be empowered to issue execution or executions, according to law, upon judgments appearing upon such dockets, with the same effect as if such judgment had been rendered by him.

## CHAPTER VI.

SEC. 4. In case of the death, removal from office, neglect to qualify, removal from the city or ward for which he has been elected, or permanent disability to perform the duties of his office, of any officer holding by election, except judicial officers, the council shall appoint some person eligible under this act to serve in such office until the next annual city election and until his successor is elected and qualified, and at such annual election the vacancy shall be filled for the residue of the official term: *Provided however*, All vacancies occurring more than six months before the next annual city election, in any such elective office may be filled by an election or an appointment in the discretion of the council. Vacancies in the office of justice of the peace shall be filled at the next annual city election: *Provided*, If, from any cause, the number of justices of the peace shall be reduced to less than two, the vacancies in such office may be filled by special election. Elections to fill vacancies in any office shall be for the unexpired term thereof. The council may fill any vacancies in office held by appointment under this act.

Vacancies,  
how filled.

Proviso.

Proviso,  
special  
election.

## CHAPTER VII.

SEC. 42. All constables and officers (except the marshal, when he shall be paid a salary in lieu of fees, and justices of the peace, when paid a salary,) serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

Fees of  
constables, etc.

SEC. 2. There shall be added to said act number three hundred thirty-three of the local acts of eighteen hundred eighty-nine eight new sections, numbered forty a to forty h, inclusive, which said new sections shall follow section forty of chapter seven of said act, and which new sections shall read as follows:

Sections  
added.

Justice  
elected at  
annual  
election.

SEC. 40a. There shall be elected at the annual election, held in such city on the first Monday in April, nineteen hundred nine, one justice of the peace provided for in this act, who shall succeed the justice now holding office whose term of office expires on the fourth day of July, nineteen hundred nine; and in any year thereafter, when the term of a justice holding office shall expire on the fourth day of July, there shall be elected one justice of the peace at the annual election held in said city on the first Monday of April prior thereto, to succeed him.

Council to  
provide  
books, etc.  
Salary of  
justices.

SEC. 40b. The council of said city shall provide the necessary books, dockets and blanks for use of said justices.

SEC. 40c. From and after the fourth day of July in the year nineteen hundred seven, each of the justices of the peace of the city of Cheboygan shall receive from the treasury of the city an annual salary of six hundred dollars, which salary shall be paid in lieu of all fees, costs and charges to which such justices would be entitled except for the provisions of this act, except fees for the performance of marriage ceremonies, for taking acknowledgments and for administering oaths in matters not connected with suits or proceedings in justice courts in said city; such salary shall be paid in monthly installments, as other officers of the city are paid.

Entry and  
trial fees.

SEC. 40d. Before any civil action or proceeding, except proceedings in garnishment, shall be commenced in said justice courts, there shall be paid to the justice before whom such action or proceeding shall be commenced, by the party commencing the same, an entry fee of one dollar, and before the trial of any such action or proceeding shall be commenced, such party shall pay a trial fee of one dollar and fifty cents, but in case of non-suit before the commencement of a trial no trial fee shall be required. Proceedings in garnishment shall be treated as part of the principal cause and no additional fees shall be required therein except when an issue of a fact shall be joined in respect to the liability of a garnishee or garnishees; upon such cases a trial fee of one dollar and fifty cents shall be paid before such trial shall commence. The fees provided for in this section shall be in full for all services and proceedings by and before said justices, to and including the issuing of an execution upon judgment therein, and shall be taxed in favor of the party paying the same, if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing the execution, or for the purpose of staying proceedings, or removing causes to an appellate court, there shall be paid to said justices the fees provided by law. All fees received by said justices, except those hereinbefore otherwise provided, shall be paid over to the city treasurer by such justice on or before the first day of the month succeeding that in which they are received. In criminal cases the same costs shall be collected and in the same manner as in such proceedings before justices of the peace in townships, except that the same shall be re-

Proceedings in  
garnishment.

Payment of  
fees to  
treasurer.

ceived by the said justices and paid over to the treasurer of said city as provided in civil suits: *Provided*, That neither of said justices of the peace shall be paid any salary except on filing an affidavit with the city clerk that he has paid into the city treasury all moneys and fines collected by him; that he has properly entered in his docket all final judgments rendered by him and has kept and maintained an office, certified by the mayor as being suitable and proper for a justice court.

Proviso,  
affidavit of  
justices.

SEC. 40e. Process issued from said justice courts shall be signed by the justice before whom the cause in which such process is issued, has been commenced or is pending. Docket entries of the proceedings had by and before each of the said justices shall be made and signed by the justice by or before whom such proceedings were had on the day such proceedings were had.

Issue of  
process.

SEC. 40f. If any party to a cause before either of said justices shall demand a trial by jury, he shall pay to the justice the fees therefor in advance, and the same shall be disposed of by the justice in the manner provided by law; and the moneys paid for jurors shall be taxed as costs in favor of the party paying the same, if he be the prevailing party in the suit, in addition to such other costs as he may be entitled.

Jury fees.

SEC. 40g. All costs recovered before said justices shall be taxed according to the provisions of the general law of this State, except as herein otherwise provided.

Taxation of  
costs.

SEC. 40h. In all proceedings before such justices the general law of this State shall govern, except as herein otherwise provided.

General law  
to govern.

This act is ordered to take immediate effect.

Approved March 26, 1907.

[No. 446.]

AN ACT to repeal act number five hundred eighty-two of the local acts of nineteen hundred five, entitled "An act to divide the township of St. Charles, Saginaw county, State of Michigan, into two voting precincts and providing for the registration of electors and the manner of conducting elections therein."

*The People of the State of Michigan enact:*

SECTION 1. Act number five hundred eighty-two of the local acts of nineteen hundred five, entitled "An act to divide the township of St. Charles, Saginaw county, State of Michigan, into two voting precincts and providing for the registra-

Act repealed.

tion of electors and the manner of conducting elections therein," is hereby repealed.

This act is ordered to take immediate effect.

Approved March 26, 1907.

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[No. 447.]

AN ACT to amend act number five hundred fourteen of the local acts of nineteen hundred three, entitled "An act to annex the territory embraced within the city of West Bay City to that of Bay City, and to consolidate the city of West Bay City with the city of Bay City under the name of Bay City; to specify and fix the boundaries of the city; to consolidate the school system and the library systems of the said cities of West Bay City and Bay City; to provide for the assuming and payment of all indebtedness and liabilities of the present cities of Bay City and West Bay City and their school and library systems, and to provide for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Bay City and to repeal all acts and parts of acts inconsistent herewith," approved June eighth, nineteen hundred three, by amending sections four, five, sixty-nine, one hundred seventy-four, one hundred eighty-five and one hundred eighty-six, and repeal all acts or parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

Sections  
amended.

SECTION 1. Sections four, five, sixty-nine, one hundred seventy-four, one hundred eighty-five and one hundred eighty-six of act number five hundred fourteen of the local acts of nineteen hundred three, entitled "An act to annex the territory embraced within the city of West Bay City to that of Bay City, and to consolidate the city of West Bay City with the city of Bay City under the name of Bay City; to specify and fix the boundaries of the city; to consolidate the school system and the library systems of the said cities of West Bay City and Bay City; to provide for the assuming and payment of all indebtedness and liabilities of the present cities of Bay City and West Bay City and their school and library systems, and to provide for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Bay City and to repeal all acts and parts of acts inconsistent herewith," approved June eighth, nineteen hundred three, be and the same are hereby amended to read as follows:



SEC. 4. The first annual election under this act shall be held on the first Monday in April of the year nineteen hundred five, and thereafter the annual election under this act shall be held on the first Monday in April of each year. All elections under this act shall be held in such places in each ward and voting precinct as the council may designate. The following officers of Bay City shall be elected at the annual city election held on the first Monday in April, nineteen hundred seven, by the qualified voters of the whole city voting in their respective wards and election districts on a general ticket, viz.: One mayor, one recorder, one treasurer, and at the annual city election held on the first Monday in April in the year nineteen hundred nine, there shall be elected one comptroller. The following officers of the corporation shall be elected at the annual city election held on the first Monday in April, nineteen hundred seven, on a ward ticket in each ward, by the qualified voters thereof, viz.: One alderman, one supervisor, one constable, each for a term of two years, and at the annual city election held on the first Monday in April, nineteen hundred eight, the following officers of the corporation shall be elected on a ward ticket in each ward by the qualified voters thereof, viz.: One alderman for a term of one year; at the annual city election held on the first Monday in April, nineteen hundred nine, the following officers of the corporation shall be elected on a ward ticket in each ward by the qualified voters thereof, viz.: One alderman, one supervisor, one constable, for a term of two years; and thereafter the following shall be the term of office of the several officers, each of whom shall hold his office until his successor is elected and qualified, viz.: Mayor, two years; treasurer, two years; recorder, two years; comptroller, two years; justices of the peace, four years; aldermen, two years; supervisors, two years; constables, two years; thereafter there shall be elected at each annual city election the officers hereinbefore mentioned, whose term of office shall expire at the term of such election pursuant to the foregoing provisions of this section.

Annual election, when held.

Officers elected at.

Ward officers.

Terms of officers.

SEC. 5. The present justices of the peace of the city of Bay City and West Bay City shall continue to hold their respective offices and perform the duties thereof until the expiration of their respective terms; at the annual city election under this act in the year nineteen hundred five, and at every such election thereafter, there shall be elected one justice of the peace. The justices of the peace of said city shall have the same jurisdiction and power, perform the same duties and be subject to the same liabilities as justices of the peace of townships in this State, except as herein otherwise provided, and in all civil suits and proceedings whatsoever they shall have original concurrent jurisdiction of actions upon contract, express or implied, wherein the debt or damages do not exceed the sum of five hundred dollars, when either of the parties to the proceed-

Election of justices.

Jurisdiction.

Certain officers, when elected.	ing in such civil suit shall reside within the limits of the county of Bay. At the annual election in April, nineteen hundred five, and every two years thereafter, there shall be elected, as aforesaid, one mayor, one treasurer and one city recorder; and at the annual election in April, nineteen hundred nine, and every two years thereafter, there shall be elected one comptroller. Each of the supervisors elected as aforesaid shall be a supervisor of the ward for which he was elected, with all the powers of supervisors of townships in this State and subject in all respects to the provisions of the law regulating the duties of township supervisors, except as herein otherwise provided. No person shall be eligible for election to or hold the office of mayor, who is holding any judicial office or who is holding any city or county office for which a stipulated salary is paid or received. The treasurer shall not be eligible for election for more than two consecutive terms from and after the passage of this act. No person shall be eligible to any elective office who is not an elector of said city, and no person shall be eligible to any ward office who is not an elector of said ward.
Powers of supervisors.	
Eligibility to office.	
May appoint deputies.	SEC. 69. The treasurer shall have power to appoint one or more deputies to be approved by the council, and make or revoke such appointments at his pleasure, which appointment or revocation shall be in writing and filed in the office of the recorder, and the deputy may perform the duties of the treasurer and said deputy before entering on the duties of his office shall give bonds to the city in such sums and with such security or securities as the council may require and approve. The treasurer of the city shall receive an annual salary of three thousand five hundred dollars, which amount shall be payment in full for all services required by this act to be performed by said treasurer and his deputies and assistants or other persons performing the duties of said treasurer, except the payment of such services rendered by a member of the police force, or other persons as hereinafter provided. The treasurer may designate and appoint a member of the police force, or other person of, or resident of Bay City, as a deputy treasurer, for the purpose of collecting delinquent taxes, water rates, electric light rates or any other sum or sums due the city; such designation and appointment shall be made in writing and be reported to and approved by the council, and thereupon such police officer or other person, shall be possessed of all the powers conferred by law upon the treasurer to collect such delinquent taxes, water rates, electric light rates or other sums. The treasurer shall be responsible for the accounts of such special deputies, who, if a police officer, shall serve without compensation other than that received as such police officer, and, if any other person, he shall receive such compensation as the council may determine. The treasurer shall report to the comptroller at the end of each month the amount received and credited by him to each fund during each month, and such monthly state-
Salary.	
May appoint member of police, etc., as deputy.	
How made.	
Accounts of special deputies; compensation.	
Treasurer to report to comptroller monthly.	

ment will exhibit the actual balance in the several bank accounts (after providing for unrepresented or outstanding warrants) and the books of the treasurer and comptroller must agree. The treasurer shall make such reports to the common council at such times and in such manner as may be required of him by ordinance or resolution.

SEC. 174. There shall be a police justice in the city of Bay City. The first election for said justice shall be held on the first Monday of April, nineteen hundred seven, to be conducted in the same manner as justices of the peace are elected at the charter election of said city, and, at the charter election of said city at the interval of every four years thereafter, the said justice shall be elected in the manner provided for the election of the justices of the peace in said city, to hold his office for a term of four years from and after such election or until his successor is elected and qualified. In case of a vacancy occurring in said office of police justice, the common council shall order a special election, giving twenty days' notice thereof, to fill the vacancy and said police justice shall before entering upon the duties of his office take and subscribe the oath prescribed by the constitution of this State before some officer authorized by law to administer oaths, and deposit the same with the clerk of the county of Bay, who shall file and preserve it in his office: *Provided*, That the nomination papers heretofore filed on the fourth day of March, nineteen hundred seven, by candidates for the office of police justice for Bay City shall be and are hereby declared and made valid for all the intents and purposes provided in act number one hundred eighty-one, public acts of nineteen hundred five, and shall be treated in the same manner and be given the same force and effect under said act as other nomination papers filed on or before said date.

SEC. 185. Said police justice shall receive an annual salary of fifteen hundred dollars to be paid by Bay City in the first instance, but the board of supervisors of Bay county shall annually make a reasonable allowance to said city toward the payment of the salary of a police justice and the expense of said police for the services rendered by the police force of the city in prosecutions under the general laws of this State, which allowance shall be equal to three-fourths of the expense incurred on account of the expense of said court and police service: *Provided*, That such allowance shall not exceed three thousand dollars per annum.

SEC. 186. In case of a vacancy in the office of such police justice, or in case of his absence, sickness or inability to act for any cause, a justice of the peace of Bay City, to be designated for that purpose by the common council of Bay City, shall perform the duties of such police justice during the sickness, absence and in case of such inability, or pending the time for holding special election as provided in section one hundred seventy-four of this act, and shall hold such police court and possess all the powers of said police

Election of police justice, how conducted.

Terms.

Vacancy filled by special election.

Oath, where filed.

Proviso, nomination papers.

Salary of justice.

Allowance from county.

Proviso.

Certain vacancy, how filled.

Fees, etc.

justice, and he shall receive full compensation for such services as he may render, the pro rata salary of said police justice for the period so employed; any and all amounts so paid shall be deducted from the salary of said police justice. But neither such police justice nor justice of the peace shall receive any fees, costs or other emoluments for service as such police justice whatever.

Repealing clause.

SEC. 2. All acts or parts of acts, in so far as they contravene the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved March 27, 1907.

[No. 448.]

AN ACT for the organization of a township school district in the township of Ocqueoc, Presque Isle county, Michigan.

*The People of the State of Michigan enact:*

Single school district; petition to organize.

SECTION 1. Whenever the qualified electors of the township of Ocqueoc, Presque Isle county, Michigan, desire to become organized into a single school district, they may petition the township board to proceed as hereinafter provided for organizing a township school district. Such petition shall be signed by a majority of the electors of the township qualified to vote at school meetings and shall be filed in the office of the township clerk at least fifteen days prior to the first day of July. Upon the receipt and filing of said petition, the township clerk shall notify the members of the township board and the school inspectors of the township to attend a special meeting to be held not more than five days thereafter, at which meeting it shall be the duty of such township board to compare the names signed to the petition with the names appearing on the list of registered voters qualified to vote at school meetings, and if it be found that a majority of the voters so qualified to vote have signed the petition that the organized township of which they are residents be organized as a single school district, the township board shall give notice by posting notices thereof in five public places in said township, that on the second Monday of July the following officers will be elected for such school district; and they shall make and file, both with the county clerk and with the county commissioner of schools of the county in which such township is located, a certified copy of the above mentioned petition, together with their finding and doings thereon; and when the district officers shall have been duly elected and shall have filed their acceptance with the township clerk, such township shall become a single school district which

Township clerk, duty of on receipt of petition.

Notice given of election.

shall be subject to all the general laws of the State, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon graded school districts by the laws of this State, all the general provisions of which relating to common or primary schools shall apply and be enforced in said district, except such as shall be inconsistent with the provisions of this act: *Provided*, That, immediately after the organization of the township district, the board of education may divide the township into such number of sub-districts as they may deem necessary for the accommodation of all children of school age therein, designating the same as follows: Sub-district number one, sub-district number two, etc.

Proviso,  
sub-districts.

SEC. 2. The officers of said district shall consist of five trustees, who shall constitute the board of education of said district, and the term of office shall be three years. On the second Monday of July following the action of the township board, as stated in section one of this act, the qualified voters of the township shall proceed to elect from their number, by ballot, one trustee for the term of one year, two for the term of two years and two for the term of three years, and annually thereafter a successor or successors to the trustee or trustees whose term of office shall expire. The term for which the person voted for is intended shall be designated on the ballot. The qualifications of voters and the conditions of eligibility for office holding shall be the same as provided in the general school laws. At the first election held in said district, the township board shall act as a board of election, and they shall canvass the votes in the same manner as votes for elective township officers are canvassed. At succeeding elections the qualified voters present shall designate three qualified voters to act as a board of election and board of canvassers, who shall respectively take and subscribe the constitutional oath of office, which oath any member of the board of trustees may administer. In the election of trustees the person or persons receiving a majority of all the votes cast shall be declared elected, and he or they shall hold office until his or their successor or successors shall have been duly elected and filed his or their acceptance. The annual meeting of said district shall occur on the second Monday of July in each year, at the usual place of holding the annual township meeting, and it shall be the duty of the secretary to give notice of all annual meetings and of any special meeting of said district by posting a written or printed notice thereof in at least five conspicuous places in said township at least five days prior to said meeting. At the first school meeting and all succeeding annual meetings the polls shall open at three o'clock p. m. and be kept open four hours, during the last hour of which time the voters shall transact such business as may lawfully come before them, according to the provisions of section nine of this act. In all townships organized prior to April first, nineteen hundred three, under the pro-

District  
officers, term.  
When elected.

Election board  
at first  
election.

At succeeding  
elections.

Annual meet-  
ing, when and  
where held.

Polls, when  
open, etc.

First election  
of trustees.

visions of act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, the first election of trustees under this act shall be held on the second Monday of July, nineteen hundred three, in the manner provided in this section for the election in a township newly organized as a single school district; and immediately thereafter the records, property and documents belonging to said district shall be turned over to the newly elected board of education: *Provided*, That the district officers elected at the annual election in April, nineteen hundred three, under the provisions of act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, shall act as the board of education until the trustees elected on the said second Monday in July, nineteen hundred three, shall have filed their acceptances and become duly qualified.

Proviso.

Trustees to take and file oath.

SEC. 3. Within five days after the first election under this act, the township clerk shall notify, in writing, the persons elected trustees of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the constitution of this State, before any officer authorized to administer oaths, and file the same with the township clerk: *Provided*, That after the district shall have been organized under the provisions of this act, the members of the board of education shall file their acceptances with the secretary of the board.

Proviso.

Board of education, when to meet and organize.

SEC. 4. The members of the board of education shall meet on the fourth Monday of July following the first election under this act and elect from their number a president, a secretary and a treasurer, who shall severally serve in such capacity during his term of office and until his successor shall have been duly elected and duly qualified. The president shall preside at all meetings of the district, and of the board, and perform such other duties as are required of the moderator in a primary school district. The secretary shall faithfully record all proceedings of annual and special meetings of the district and of all meetings of the board, receive and file all records, papers and other documents belonging to the district, and perform such other duties as are required of the director in primary school districts. It shall be the duty of the treasurer in each district to execute and file with the secretary, within ten days after his election or appointment, a bond in the full amount of money to come into his hands as such treasurer during his term of office, as near as the same can be ascertained, with two sufficient sureties who shall be residents of the same county, or shall furnish a similar bond of some surety company authorized to do business in this State, to be approved by the president and secretary of the board, conditioned for the faithful performance of his duties under this act, and honestly accounting for all moneys coming into his hands belonging to said district. It shall be the duty of the treasurer of said board to apply for and receive from the township treasurer, or other officer holding the

President.

Secretary.

Treasurer.

Duties.

same, on the presentation of a warrant signed by the president and secretary of the school board, all moneys appropriated or apportioned for primary schools and for district library of said district. The said treasurer shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board, upon warrants or orders drawn upon him and signed by the secretary and countersigned by the president; and he shall perform such other duties as are required of the treasurer in primary school districts.

SEC. 5. Said board of education shall have power to fill all vacancies that may occur in the office of trustee until the next annual election, and such trustee shall file with the secretary of said board his oath of office within five days after such appointment by the board.

SEC. 6. A majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be held on the fourth Monday of March, June, September and December in each year, and no notice of such meeting shall be required, and any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum is present. Special meetings of said board may be called at any time on the request of the president, or any two members thereof, in writing, delivered to the secretary; and the secretary, upon receiving such request, shall at once notify each member of said board of the time of holding such meeting, which shall be at least two days subsequent to the time of receiving such request by said secretary: *Provided*, That in case all the members shall sign a waiver of notice on the minute book of the secretary no notice shall be necessary. All records and papers of said district shall be kept in the custody of said secretary and shall be open to the inspection of any qualified voter of said district.

SEC. 7. The said board shall be the board of school inspectors for said district and shall, as such, report to the clerk of the county in which such township is located and shall have all the powers and perform all the duties now enjoyed and performed by boards of school inspectors; and the secretary of said board shall perform all the duties required by law of the chairman of the board of school inspectors; and the board of school inspectors for such township is hereby abolished, except as its powers are vested in said board of education.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase schoolhouse sites, erect buildings and furnish the same, employ legally qualified teachers, provide books for district library, make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, and to make all necessary reports and transmit the same to the proper officers as designated by law, so that the district may be entitled to its proportion of the primary school interest fund;

Vacancies.

Quorum: regular meetings.

Special meetings.

Proviso, waiver of notice.

School inspectors, board of, how constituted.

Secretary, duties of.

Board abolished.

Board of education: power and authority of.

Sub-district or transportation, when provided.	<p>and said board shall have authority to make all needful regulations and by-laws relative to the visitation of schools; relative to the length of time school shall be kept, which shall not be less than five months in each year; relative to the employment of teachers duly and legally qualified; relative to the regulation of schools and the books to be used therein; and generally, to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district, and the promotion of a thorough education of the children thereof. When in any contiguous territory of said township district there are ten or more children of school age, living not less than three miles, nor more than eight miles, from any schoolhouse in said district, the board of education shall, upon the petition of a majority of the parents or legal guardians of said children, provide school advantages for such children, either by establishing a sub-district, or by providing transportation to some school already established within the township.</p>
Money tax, when amount determined.	<p>SEC. 9. At each annual school meeting held in said township, the qualified voters present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year: <i>Provided</i>, That in case the voters at any annual school meeting shall neglect or refuse to determine the amount to be raised as aforesaid, then the board of education shall determine the same at the first regular meeting thereof, which amount the secretary shall, within thirty days thereafter, certify to the supervisor of the township, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: <i>Provided</i>, That for purchasing school lots and for erecting schoolhouses no greater sum than three mills on the dollar of all the taxable valuation of the real and personal property in said township shall be levied in any one year.</p>
Proviso, when voters neglect, etc.	<p>SEC. 10. All taxes assessed within said township for school purposes shall be set forth in the assessment roll of said township, in a separate column, apart and distinct from all other township taxes.</p>
Proviso, amount may levy for school lots, etc.	<p>SEC. 11. The treasurer of the township shall at any time at the written request of said board of education, report to said board the amount of school money in his hands, and shall, on the order of the secretary of said board of education, countersigned by the president, pay to the treasurer of said board, all or any of such money.</p>
Taxes, in separate column.	<p>SEC. 12. The said board shall annually, prior to the second Monday of July in each year, make a detailed statement of the number of schools in said district, the number of teachers employed, the number of pupils instructed therein during the preceding year, the expenditures of said board for all purposes, the resources and liabilities of said district, and also an estimate of the necessary expenses for the ensuing year exclusive of the income from the primary school interest fund</p>
Township treasurer, when to pay over money.	
Annual report, when made, what to contain.	



and one mill tax, which report or statement shall be entered at length in the record of said board and shall be publicly read by the president of said board, or in his absence by the secretary thereof, to the voters of said township at their annual meeting on the second Monday of July.

Sec. 13. All school property, both real and personal, within the limits of a township incorporated as aforesaid, shall, by force of this act, become the property of the public schools of such township, and all debts and liabilities of the primary school districts of said township, as they existed prior to its incorporation under the provisions of this act, shall become the debts and liabilities of said public schools of the township so incorporated.

School  
property.

Debts and  
liabilities.

Sec. 14. All moneys raised or being raised by tax, or accrued or accruing to the school districts of said township, as organized under the primary school laws of this State, shall hereby become the money of the public school of the township, and no tax heretofore ordered assessed or levied for school purposes in said township, or other proceedings, shall be invalidated or affected by means of this act.

Money  
accrued, taxes  
levied, etc.,  
where to  
belong.

Sec. 15. The compensation of the members of the board of education, other than the secretary and treasurer, shall be two dollars for attendance at each regular meeting of the board. The secretary and treasurer of said board shall receive such compensation for their services as the board of education may determine, not exceeding fifteen dollars for the treasurer and twenty-five dollars for the secretary, per annum.

Compensation  
of certain  
members.

Of secretary  
and treasurer.

Sec. 16. When any township district shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same shall have been organized and the township boards of trustees duly elected and qualified therein. Immediately after such organization the township boards of education of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards of education shall make an equitable division of the existing assets and liabilities of the school districts of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of education of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school districts of the township from which the territory has been detached, basing their division upon the amount of taxable property as the same shall appear upon the last assessment roll of such township.

When district  
divided into  
two or more  
townships.

Appraisal.

Assets, etc.,  
division of.

When limits  
altered.

Repealing  
clause.

SEC. 17. All acts contravening the provisions of this act, except as provided in section seventeen, are hereby repealed. This act is ordered to take immediate effect.  
Approved March 27, 1907.

[No. 449.]

AN ACT to amend act number three hundred ninety-two of the local acts of eighteen hundred ninety-one, entitled "An act to provide salary of and for the appointment of clerks for the circuit court commissioners of Wayne county," as amended, by adding four sections thereto to stand as sections eight, nine, ten and eleven, so as to regulate the selecting and summoning of juries and trials by jury before said commissioners in "Proceedings to recover the possession of land in certain cases" and "Summary proceedings to recover the possession of land in other cases" under chapter three hundred eight, being sections eleven thousand one hundred fifty-three to eleven thousand one hundred eighty-one inclusive of the Compiled Laws of eighteen hundred ninety-seven.

*The People of the State of Michigan enact:*

Act amended. SECTION 1. Act number three hundred ninety-two of the local acts of eighteen hundred ninety-one, entitled "An act to provide salary of and for the appointment of clerks for the circuit court commissioners of Wayne county," as amended, is hereby amended by adding four sections to stand as sections eight, nine, ten and eleven as follows:

Selection of jury. SEC. 8. If, before proceeding to the trial of any issue joined under and in accordance with the provisions of chapter three hundred eight, being sections eleven thousand one hundred fifty-three to eleven thousand one hundred eighty-one inclusive of the Compiled Laws of eighteen hundred ninety-seven, either the complainant or the defendant shall request that the same be tried by a jury, such jury shall be selected and summoned and the proceedings upon said trial shall be as provided by this act.

Selection of jurors by commissioners. SEC. 9. The board of jury commissioners, as created by act number two hundred four of the public acts of eighteen hundred ninety-three, shall annually or whenever required by the clerks of said circuit court commissioners in accordance with the method required by that act, select persons to serve as jurors for the trial of cases, matters and proceedings before said circuit court commissioners, and shall file a list of the persons so selected with the clerks of said commissioners. The number to be selected on the third Monday of May of

each year, as provided by said act, shall be three hundred. After the filing of such list the proceedings for selection, summoning and compelling the attendance of jurors and talesmen shall be, as far as practicable, the same as provided by law for like purposes, as in the circuit court for Wayne county, except that the attendance of the sheriff shall not be required. Jurors shall be drawn and summoned for a term of two months, which shall be the calendar months next succeeding such drawing. Not less than eighteen nor more than thirty-six jurors shall be drawn and summoned for a term, unless for a special reason the clerks of said circuit court commissioners shall in writing direct that a greater number shall be drawn and summoned. The persons so drawn shall be notified in writing of their liability to jury duty before the said circuit court commissioners, or either of them, for the calendar months to be specified, which notice shall be served personally, if practicable, upon each person so drawn, by the sheriff in the manner now provided by law, and a return in writing of the time and manner of such service shall be made and filed with the clerks of said circuit court commissioners. Said jurors shall report for service to the clerks of said commissioners. The actual attendance of the persons duly notified for jury service may be required and enforced according to law. The persons so serving as jurors shall be entitled to receive from the county of Wayne the sum of two dollars and fifty cents for each day's actual attendance, which sum shall be paid by the county auditors on certificate of the said circuit court commissioners. Whenever by law a judge of the circuit court for Wayne county is required or directed to be present at or to participate in any part of the proceedings to select jurors for that court, the clerks of said circuit court commissioners shall perform like duty in like proceedings to select jurors before said circuit court commissioners or either of them.

SEC. 10. Juries before said circuit court commissioners shall be composed of six persons who shall severally possess the lawful qualifications of jurors in the circuit court for the county of Wayne, and any challenge which would be valid in said circuit court shall be valid and sufficient if made before either of said circuit court commissioners: *Provided, however,* That but two peremptory challenges shall be allowed to the complainant, and a like number to the defendant in all trials before said circuit court commissioners. If any party demands a jury in any proceedings before said circuit court commissioners, he shall advance to the clerk the sum of six dollars as a jury fee, and the same shall belong to the county of Wayne and shall be turned over by said clerk in the same manner as is required in the case of other moneys received by him.

SEC. 11. The jury empaneled in any proceeding as herein provided, shall determine any and all questions of fact in such proceeding, but it shall be the duty of the commissioner hear-

Attendance  
of jurors.Number of  
jurors drawn  
for a term.Notice to  
persons  
drawn.

Compensation.

Selection of  
jurors for  
circuit court.Qualifications,  
challenges, etc.Proviso,  
peremptory  
challenges and  
jury fee.Jury to deter-  
mine question  
of fact.

ing such proceeding to decide all questions of law arising therein, and it shall also be the duty of the said commissioner to instruct the jury as to the questions of law applicable to the proceeding.

This act is ordered to take immediate effect.

Approved March 27, 1907.

[No. 450.]

AN ACT to amend section thirteen of act number three hundred sixty of the session laws of eighteen hundred seventy-one, entitled "An act to create a fire commission in the city of Detroit," as amended by act number forty-three of the local acts of eighteen hundred eighty-two.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section thirteen of act number three hundred sixty of the session laws of eighteen hundred seventy-one, entitled "An act to create a fire commission in the city of Detroit," as amended by act number forty-three of the local acts of eighteen hundred eighty-two, is hereby amended to read as follows:

Offices, etc., to  
be provided.

SEC. 13. Said commissioners shall provide such offices and business accommodations for the transaction of their business, and that of their subordinates, in said city of Detroit, as shall be necessary. They shall have the power to select a chief and one or more assistant engineers, together with engineers, foremen, drivers, pipemen, firemen and such other officers as may be necessary for the efficient working of said department, and to fix their salaries, who shall discharge such duties as may be designated, and be at all times under the control of and subject to removal by said commissioners.

Selection of  
chief, etc.,  
salaries.

This act is ordered to take immediate effect.

Approved March 27, 1907.

## [No. 451.]

AN ACT to authorize the city of Hancock, Houghton county, to borrow money to be used in the payment of outstanding warrants of said city, and to issue bonds therefor.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of Hancock, in Houghton county, be and is hereby authorized to borrow on the faith and credit of said city a sum not exceeding fifty thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding six per cent. per annum, and to execute the coupon bonds of said city therefor in such form as said common council shall determine, which bonds shall in no case be disposed of for a less sum than their par value. Bonds authorized.

SEC. 2. Any money borrowed under the provisions of this act shall be expended in paying outstanding city warrants only, at the time said bonds shall be issued. Money, how expended.

SEC. 3. In case of the issue of such bonds, it shall be the duty of said common council to include in the annual appropriation bill, and for the supervisors of said city to assess and the treasurer of said city to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said city, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and said common council shall also provide for the payment of the principal of said bonds when the same shall become due. The said interest shall be payable by the said treasurer, when the same shall become due, on the presentation of the proper coupons, and the said principal shall be payable by said treasurer, when the same shall become due, on presentation to him of the proper bonds. Tax, levy and collection.

This act is ordered to take immediate effect.

Approved March 27, 1907.

## [No. 452.]

AN ACT to designate the places for holding the circuit court for the county of Presque Isle, in the twenty-sixth judicial circuit.

*The People of the State of Michigan enact:*

SECTION 1. After the year nineteen hundred seven two of the regular terms of the circuit court for the county of Presque Isle in the twenty-sixth judicial circuit, said circuit be- Two of the regular terms where held.

Proviso,  
what to be  
furnished, etc.

Judge, etc., to  
inspect and  
approve.

Terms held in  
village of  
Rogers.

When terms  
alternated.

Adjournment  
to Rogers  
village.

Adjournment  
to city of  
Onaway.

ing made up of the counties of Alpena, Montmorency and Presque Isle, shall be held each year within the city of Onaway, in said county of Presque Isle: *Provided*, That the common council of said city of Onaway, or the citizens thereof, shall furnish and provide free of expense to said county a suitable place, including light, heat and janitor, for holding said court within said city and transacting the business thereof; and also a suitable and sufficient jail for the incarceration of prisoners who may be held there for trial during the sittings of said court, and also a fireproof safe or vault within which to keep the files and records of cases on the calendar for any such terms of court, the place for the holding of said court, and the jail, together with the sufficiency of said vault or safe, to be inspected and approved by the judge of said court and the prosecuting attorney of said county, which approval shall be in writing and shall be filed with the clerk of said county.

SEC. 2. After the year nineteen hundred seven, two of the regular terms of the circuit court for said county of Presque Isle shall be held each year within the village of Rogers, the county seat of said county.

SEC. 3. After the year nineteen hundred seven the terms of court to be held in the city of Onaway under the terms of this act shall be respectively alternated with the terms of said court to be held at the said village of Rogers, the county seat of said county of Presque Isle. And the judge of said circuit court shall, after this act takes effect, when fixing and appointing the time of holding the several terms of said court within said county as provided by law, designate which of the regular terms thereof shall be held within the said city of Onaway and which of the regular terms thereof shall be held within the said village of Rogers, which designation shall be in writing and shall be immediately thereafter transmitted by him to the clerk of said county.

SEC. 4. The said circuit court, upon application therefor at the opening of court and the call of the calendar at any regular or special term thereof, shall have the right and the power, and authority is hereby given to it, if in its discretion it shall be deemed proper and expedient so to do, to set for trial or hearing and to adjourn from time to time any of the sessions of said court, while sitting at the said city of Onaway under the provisions of this act, to the court house in the said village of Rogers, and to continue the said court at the said village of Rogers, when sitting there upon adjournment from the said city of Onaway, as aforesaid, for the trial or hearing of any cause or causes or other proceedings which may be on the calendar for trial or hearing at any term of said court held at the city of Onaway, aforesaid, and to adjourn the said court back from the village of Rogers to the city of Onaway.

SEC. 5. The said circuit court, upon application therefor at the opening of court and the call of the calendar at any

regular or special term thereof, shall have the right and the power, and authority is hereby given to it, if in its discretion it shall be deemed proper and expedient so to do, to set for trial or hearing and to adjourn from time to time any of the sessions of said court, while sitting at the said village of Rogers, under the provisions of this act to the place for holding the said circuit court in said city of Onaway, provided for under the terms of this act, and to continue the said court at the said city of Onaway when sitting there upon adjournment from the said village of Rogers, as aforesaid, for the trial or hearing of any cause or causes or other proceedings which may be on the calendar for trial or hearing at any term of said court held at the village of Rogers, as aforesaid, and to adjourn the said court back from the city of Onaway to the village of Rogers.

Sec. 6. At each term of said circuit court, designated to be held in the city of Onaway, it shall be the duty of the county clerk of said county, acting personally or by and through a deputy clerk, to deposit in the building designated for the holding of the court, under the direction of the circuit judge, all of the records and files in all cases noticed for trial or hearing at such term, on or before the first day of such term, and when such term is finished such records and files shall be returned to the office of the county clerk at the county seat of said county of Presque Isle.

Duty of  
county clerk  
as to records  
and files.

Approved March 27, 1907.

[No. 453.]

AN ACT to make townships and cities in Sanilac county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for such payment.

*The People of the State of Michigan enact:*

SECTION 1. Hereafter within the county of Sanilac all claims incurred in the care of persons sick with contagious diseases or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for the payment of the same, shall be charged to and paid by the township or city in which the same are incurred, when audited by the township board of the township, board of aldermen or city council of the city, and shall be paid by said township or city, as the case may be, except as hereinafter provided.

Certain claims  
paid by  
townships.

When board of  
supervisors to  
audit.

SEC. 2. The board of supervisors of said county shall have power to audit and allow, and order paid by the county, any or all claims incurred in the care of persons sick with contagious diseases or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, whenever in the opinion of a majority of all the members of said board, the township or city primarily liable for such claim or claims, as provided in section one of this act, should be relieved in whole or in part from the payment of the same.

Power to  
examine  
claims.

SEC. 3. The board of supervisors of said county shall have full power to examine into the merits of any or all claims presented to them in accordance with section two of this act, and upon such examination to allow or reject in whole or in part any or all of such claim or claims.

This act is ordered to take immediate effect.

Approved March 27, 1907. .

[No. 454.]

AN ACT to repeal act number five hundred ninety-six of the local acts of nineteen hundred five, entitled "An act to provide for a new voting precinct to be known as voting precinct number two, in the township of Iron River, in the county of Iron," approved June six, nineteen hundred five.

*The People of the State of Michigan enact:*

Act repealed.

SECTION 1. Act number five hundred ninety-six of the local acts of nineteen hundred five, entitled "An act to provide for a new voting precinct to be known as voting precinct number two, in the township of Iron River, in the county of Iron," approved June six, nineteen hundred five, is hereby repealed.

This act is ordered to take immediate effect.

Approved March 27, 1907.



[No. 455.]

AN ACT to annex that certain territory situate in the township of Grosse Pointe in the county of Wayne contained within the corporate limits of the village of Fairview to the city of Detroit, and to apply and make operative in said territory all statutes, laws and ordinances now or hereafter made applicable to and operative in said city. (a)

*The People of the State of Michigan enact:*

SECTION 1. On and after the first day of May, A. D. nineteen hundred seven, all that territory situate in the village of Fairview, in the township of Grosse Pointe, in the county of Wayne, lying and being west of a line two hundred feet east of Alter Road in said village of Fairview and extending from the northerly limits of said village to Lake St. Clair, shall, by virtue of this act, be annexed to and form a part of said city of Detroit. Territory annexed.

SEC. 2. The said territory so annexed to said city on and after the first day of May aforesaid shall constitute one precinct in the seventeenth ward of said city of Detroit, the number of which precinct shall be designated by the common council of the city of Detroit. To constitute one precinct.

SEC. 3. Said common council shall provide the necessary registrars and inspectors of elections for said precinct, which said officers shall hold office until their successors are duly elected and qualified in accordance with the election laws applying to said city of Detroit. Registrars and inspectors of election.

SEC. 4. On and after the said first day of May, nineteen hundred seven, the corporate organization of the village of Fairview and all the powers and duties of the several officers thereof shall cease, and all corporate powers and authority vested in said township of Grosse Pointe, in respect to the territory hereby annexed to said city, shall cease, and thereupon all right and title to property both real and personal, and all claims and demands belonging to either said village in its corporate capacity, and all right and title to real property situate within the territory hereby annexed to said city belonging to the township of Grosse Pointe in its corporate capacity shall pass to and vest in said city. The officers of said village and township respectively shall thereupon transfer the possession and control thereof to the common council of said city, or to such officer or officers as said common council may direct. All moneys belonging to said village shall be paid over to said city, and all books, papers and documents belonging to said village shall be transferred and delivered to the common council of said city or to such officer of said city as they may direct. The said city of Village organization, when to cease.

Transfer of possession, etc.

Moneys, books, etc.

Bonds and debts, to assume

(a) This act is unconstitutional under Art. IV, Sec. 20 of the constitution, providing that "No law shall embrace more than one object, which shall be expressed in its title."—Opinion filed October 15, 1907, D. L. N., Vol. 14, p. 595.

Suits pending.

Judgments,  
how paid.Appeal and  
review.Taxes  
assessed, how  
collected.Apportion-  
ment of  
moneys.

Detroit and the township of Grosse Pointe shall assume and pay such part or portion of all the bonds, debts and obligations of every name and nature owing by said village at the date aforesaid, that is to say, the said city of Detroit shall assume and pay such portion of said bonds, debts and obligations as the assessed valuation of the property within the territory hereby annexed to said city bears to the whole assessed valuation of the territory of said village of Fairview as appears by the last assessment roll of said village, and the said township of Grosse Pointe shall assume and pay such portion of said bonds, debts and obligations as the assessed valuation of that part of the territory in the village of Fairview not so annexed to the said city of Detroit bears to the total valuation of the entire property of said village of Fairview as appears by said last assessment roll of said village. All suits or actions, either at law or equity, pending in any court by or against said village of Fairview, shall be revived jointly for or against the city of Detroit and the township of Grosse Pointe as the case may be, upon the application of any party to said suit or of said city of Detroit or said township of Grosse Pointe, and all suits or actions either at law or in equity, hereafter commenced upon any debt, obligation or right of action, in favor of or against said village, shall be prosecuted by or against the city of Detroit and the township of Grosse Pointe, as the case may be. Any judgment hereafter rendered upon any such debt or obligation or in any such suit shall be paid by said city of Detroit and township of Grosse Pointe in the above proportion and may be enforced as judgments against municipalities are usually enforced and as provided by law for the enforcement of judgments against the city of Detroit and townships. If any judgments shall be rendered or any decree entered against said village of Fairview prior to May first, nineteen hundred seven, the city of Detroit and township of Grosse Pointe shall, for a period of sixty days thereafter have the right to appeal and review such judgment or decree in the proper appellate court.

SEC. 5. All taxes lawfully assessed in the territory hereby annexed to the said city before said first day of May, nineteen hundred seven, shall be collected in the manner now provided by law for the collection of taxes assessed within said city of Detroit. All moneys belonging to the township of Grosse Pointe at the date aforesaid, raised for township purposes, and all moneys belonging to said village of Fairview raised for village purposes, or thereafter collected for like purposes, on account of taxes levied and assessed before that date, shall be apportioned between the said city and said township according to the relative valuation of the taxable property so annexed to said city assessed on the last assessment roll of said township, and the valuation of property so assessed remaining in said township. Such settlement and apportionment shall be made by agreement between

the township board of said township and the common council of said city; and the amount found due upon such settlement shall be paid over to said city by the proper officers of said township. In case the said township board and the said common council shall not be able to agree upon an adjustment and settlement, the same may be made by commissioners to be appointed by the circuit court for the county of Wayne, in chancery, on petition of either party; and said court is hereby given jurisdiction and authority to determine any and all questions that may arise in carrying out the provisions of this section, and to grant such relief in the premises as may be equitable. The said township of Grosse Pointe is hereby authorized to levy and assess upon the taxable property within that portion of the village of Fairview remaining in said township and not hereby annexed to the said city of Detroit all sums of money which, by the provisions of this act, said township of Grosse Pointe is required to assume and pay.

In case of disagreement.

Tax levy and assessment in portion of village.

SEC. 6. This act shall not change in any respect the boundaries of the first and second representative districts of the county of Wayne as they exist prior to the passage of this act, and shall not change the manner of electing representatives in such districts. The township board of said township of Grosse Pointe shall fix and establish voting precincts to said township whereby the electors residing within said territory in said township may vote for representatives in the State legislature in the said second representative district of Wayne county and for all other purposes until the next apportionment and division of said Wayne county into representative districts, and like provisions shall be made by the common council of the city of Detroit for voting precincts in said territory hereby annexed to said city to enable the electors in said territory hereby annexed to said city to vote for representatives in the State legislature in said second representative district of Wayne county and for other lawful purposes until the next apportionment and division of Wayne county into legislative representative districts.

Representative districts.

SEC. 7. On and after the thirtieth day of June, nineteen hundred seven, the corporate organization of the public schools and school district within the territory so annexed to said city, and the powers and duties of the several boards and officers thereof shall cease; and thereupon all right and title to property, both real and personal belonging to said public schools situate entirely within the said territory so annexed to said city, shall pass to and vest in the board of education of the city of Detroit; and the officers of said public schools and school district shall transfer the possession and control thereof to said board of education, or to such officer or officers as it may direct. Said board of education shall thereafter take charge of and manage and conduct the schools in said territory. All moneys and funds belonging at the date aforesaid to said public schools and school district situate entirely

Public schools.

Bonds, debts, etc.

within the territory so annexed to said city shall be paid over by the boards and officers of said schools and school district having charge thereof to the said board of education. All books, papers and documents belonging to said public schools or school district shall also be turned over and transferred to said board of education. Said board of education shall assume and pay all bonds, debts and obligations owing at the date aforesaid by said public schools and school district situate entirely within the territory so annexed to said city.

Parts of districts remaining.

Adjustment of rights, etc.

SEC. 8. It shall be the duty of the board of school inspectors of said town of Grosse Pointe to make proper disposition of the parts of the school districts severed by this act remaining in said township. The township board of said township and the board of education of said city of Detroit shall, on or after the date aforesaid, adjust the relative rights and interests of the parts of the said school districts so severed, remaining in said township and the parts thereof embraced within the territory so annexed to said city. The value of the school property and the unexpended school money, and all debts and obligations of such districts shall be apportioned and settled according to the assessed value of the taxable property of the respective parts of the divided districts. Upon such settlement being made, if it shall appear that one party is indebted to the other party, the party so indebted shall pay such indebtedness to the party entitled thereto as soon as money applicable to such purposes can be secured. In case the said township board and said board of education shall not be able to agree upon an adjustment and settlement, the circuit court for the county of Wayne, in chancery, shall have like jurisdiction to determine an adjustment the same as is hereinbefore in this act provided in case of a disagreement between said township board and the common council of said city.

In case of disagreement.

Act governing.

SEC. 9. All the provisions of an act, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, as amended, and all other statutes, laws and ordinances applicable to said city of Detroit shall, on and after the first day of May, nineteen hundred seven, apply to and be operative in the territory so annexed to said city, in like manner as in other territory of said city, except as in this act otherwise provided. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved March 27, 1907.

[No. 456.]

AN ACT to authorize the board of health of the township of Gun Plains and the township of Wayland, in the county of Allegan, to acquire and enlarge burying grounds in said townships and approaches thereto, and to provide the manner of acquiring private property for such purpose.

*The People of the State of Michigan enact:*

SECTION 1. The board of health of the township of Gun Plains and the township of Wayland, in the county of Allegan, whenever it may deem it desirable and necessary, may provide new burying grounds in said townships, or may enlarge the limits of any existing burying ground, and may provide for suitable approaches thereto, or may enlarge the limits of any existing approach to any burying ground in either of said townships, and, in case said board of health shall be unable to agree with the owner or owners of any land or any rights therein which said board of health desires to include within the limits of such burying ground or approaches thereto, as to the compensation to be paid therefor, the said board of health may authorize one or more of its members to apply to the circuit judge or any circuit court commissioner of said county, or to any justice of the peace of either of said townships for a jury of the vicinage to ascertain and determine the just compensation to be made for the real estate required by said board of health for said burying ground or approaches thereto, or any enlargement thereof, and the necessity for using the same; which application shall be in writing and shall describe the real estate required by such board as accurately as is required in a conveyance of real estate.

Burying grounds; may acquire and enlarge.

Application to circuit judge, etc.

Description to be accurate.

SEC. 2. All subsequent proceedings for the condemnation of said lands shall be in accordance with the provisions of section four thousand seven hundred thirty to four thousand seven hundred forty-two inclusive of the Compiled Laws of eighteen hundred ninety-seven, relative to acquiring and condemning lands for schoolhouse sites in so far as the same is applicable.

Subsequent proceedings.

This act is ordered to take immediate effect.

Approved March 27, 1907.

[No. 457.]

AN ACT to authorize justices of the peace of the township of Dayton, in Newaygo county, and justices of the peace of the township of Sheridan, in Newaygo county, to hold court and try civil or criminal causes anywhere within the village limits of the village of Fremont, Newaygo county, Michigan.

*The People of the State of Michigan enact:*

Jurisdiction.

SECTION 1. Justices of the peace elected in the township of Dayton, in the county of Newaygo, and duly qualified according to law, and justices of the peace elected in the township of Sheridan, in the county of Newaygo, and duly qualified according to law, may hold court and try any cause, civil or criminal, cognizable by justices of the peace, anywhere within the village limits of the village of Fremont, and all such acts of such justices of the peace shall be as valid as though they were done in the township in which they were elected and qualified.

This act is ordered to take immediate effect.

Approved March 27, 1907.

[No. 458.]

AN ACT to authorize justices of the peace of the township of Garfield in Newaygo county and justices of the peace of the township of Brooks in Newaygo county to hold court and try civil or criminal cases anywhere within the village limits of the village of Newaygo, Newaygo county, Michigan.

*The People of the State of Michigan enact:*

Jurisdiction of  
certain  
justices.

SECTION 1. Justices of the peace elected in the township of Garfield in the county of Newaygo, and duly qualified according to law, and justices of the peace elected in the township of Brooks, in the county of Newaygo, and duly qualified according to law, may hold court and try any cause, civil or criminal, cognizable by justices of the peace, anywhere within the village limits of the village of Newaygo, and all such acts of such justices of the peace shall be as valid as though they were done in the township in which they were elected and qualified.

This act is ordered to take immediate effect.

Approved March 27, 1907.

[No. 459.]

AN ACT to regulate the time of opening and closing the polls in the election districts of the city of Bay City, in the county of Bay, at general and primary elections for State, county and city officers.

*The People of the State of Michigan enact:*

SECTION 1. At all State, county and city elections, and at all primary elections for the direct nomination of candidates for State, county and city offices, the polls in the election districts of the city of Bay City, in the county of Bay, shall open at nine o'clock a. m., standard time, and close at seven o'clock p. m., standard time. Polls, opening and closing of.

SEC. 2. All acts and parts of acts, in so far as they conflict with the provisions of this act, are hereby repealed. Repealing clause.

This act is ordered to take effect March twenty-nine, nineteen hundred seven.

Approved March 30, 1907.

[No. 460.]

AN ACT to amend section seventy-one of act number three hundred nine of the local acts of eighteen hundred eighty-three, approved May twenty-four, eighteen hundred eighty-three, entitled "An act to amend sections nine, seventeen, thirty-nine, forty-seven, fifty-seven, and to add thirty-seven new sections which shall stand as sections seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred one, one hundred two, one hundred three, one hundred four, one hundred five, one hundred six, and one hundred seven of an act, entitled 'An act to incorporate the city of Ionia,' approved March twenty-one, eighteen hundred seventy-three, and acts amendatory thereto".

*The People of the State of Michigan enact:*

SECTION 1. Section seventy-one of act number three hundred nine of the local acts of eighteen hundred eighty-three, entitled "An act to amend sections nine, seventeen, thirty-nine, forty-seven, fifty-seven, and to add thirty-seven new Section amended.

sections which shall stand as sections seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred one, one hundred two, one hundred three, one hundred four, one hundred five, one hundred six, and one hundred seven of an act, entitled 'An act to incorporate the city of Ionia,' approved March twenty-one, eighteen hundred seventy-three, and acts amendatory thereto," approved May twenty-four, eighteen hundred eighty-three, and acts amendatory thereto, hereby is amended to read as follows:

Use of streets,  
etc., by rail-  
road compa-  
nies, etc.

Franchises.

Proviso.

SEC. 71. The council of the city shall have authority to permit any railroad company to lay its track and operate its road with steam locomotives, or other power, in or across the public streets, highways or alleys of the city as the council may deem expedient, upon such terms and conditions and subject to such regulations to be observed by the company as the council may prescribe, and to prohibit the laying of such track, or the operating of any such road except upon such terms and conditions; and the council shall also have authority to grant franchises to railroad companies, electric light companies and gas light companies and other public utilities for a period of thirty years or less, and to regulate the occupation of streets, alleys and public places by the same and to make such other reasonable regulations appertaining thereto as the common council may deem necessary: *Provided, however,* That such permission shall not affect the right or claim of any person for damages sustained in the construction or building of such railroad or street railway, or in the construction or building of such gas mains or electric light mains.

This act is ordered to take immediate effect.

Approved April 2, 1907.

[No. 461.]

AN ACT authorizing and requiring the board of supervisors of Gratiot county to designate a local bank or banks as the depository or depositories of Gratiot county moneys, and prescribing the duties of certain officers relative thereto.

*The People of the State of Michigan enact:*

Public funds;  
bids solicited  
for deposit of.

SECTION 1. Within thirty days after the passage of this act, and thereafter not less than thirty days prior to the annual session of the board of supervisors in each year that a general



election occurs, it shall be the duty of the county clerk of Gratiot county to send notices to each of the State and National banks in said county of Gratiot, soliciting sealed bids for the deposit of all public funds belonging to said county and in the hands or under the control of the county treasurer thereof, said first designation to be for the remainder of the term of the present county treasurer, thereafter to be designated for the two years next ensuing from the first day of January next thereafter, which said bids shall be by said clerk delivered, unopened, to the board at its annual meeting, and they shall be opened and read and the said board may for any reason by it deemed sufficient reject any and all bids and order the disposition of such bids and county funds as hereinafter specified. If one or more of such bids shall be deemed satisfactory by the said board, it is hereby made its duty to contract with the bank or banks tendering such satisfactory bid or bids for the safe keeping of all county moneys and agreeing to give good and ample security for the safe keeping and reimbursement of the same whenever called for, said funds so held by such banks to be subject to be drawn on account current by the county through its proper officer or officers. At the time of making any such contract, such bank so designated shall give a bond to the county with sureties, to be approved by said board of supervisors or by the circuit judge and the chairman of said board, sufficient to protect the county from all loss.

To contract  
with bank, etc.

Bond,  
approval of.

SEC. 2. The board of supervisors of said county by resolution or otherwise may make such rules or regulations and prescribe such conditions relative to entering into any contract with any depository or depositories of all such moneys as aforesaid, the drawing upon such moneys and the security to be given by such depository or depositories, as the said board of supervisors may deem reasonable and just and for the best interest of said county, not inconsistent with the provisions of this act.

Rules and  
regulations.

SEC. 3. The board of supervisors of said county is hereby authorized to require new and additional bonds or security from the county treasurer and from the depositories of all money belonging to the county or in the custody of the county and deposited in such depositories, at any time or times when it shall deem the interest of the county require it shall be done to protect the county against loss or risk and loss of any moneys deposited, or to be deposited, with such county treasurer or county depository or depositories.

New and  
additional  
bonds.

SEC. 4. All interest earned from moneys so deposited shall belong to and be credited to the contingent fund of said county of Gratiot.

Interest  
earned.

SEC. 5. It is hereby made the duty of the county treasurer of said county, and all other officers of said county having said funds or any part thereof in their possession or under their control, to deposit the same in the depositories so designated by the board of supervisors, and, if any officer or

Duty to  
deposit; pen-  
alty for  
neglect.

officers shall neglect, refuse or fail to discharge his or their duties, as in this act provided, he or they shall be liable to a penalty of one hundred dollars, in addition to such actual damages as may accrue to said county by reason of their neglect, failure or refusal.

Approved April 3, 1907.

[No. 462.]

AN ACT to provide for the office of superintendent of drains for the county of Muskegon and abolish the office of drain commissioner in said county, and to provide for the establishing, laying out and constructing drains and cleaning out, opening and repairing drains in the county of Muskegon, and providing for local drain boards for townships and special drain boards for drains in the county of Muskegon and defining their duties.

*The People of the State of Michigan enact:*

Office of drain commissioner abolished.

Superintendent of drains appointed: term, salary.

Oath and bond.

When may appoint new superintendent.

SECTION 1. The office of drain commissioner in and for the county of Muskegon is hereby abolished, and the board of supervisors of the county of Muskegon may at any annual, special or adjourned meeting thereof, after this act shall take effect, appoint by ballot a superintendent of drains for said county of Muskegon, who shall hold office for the period of one year and until his successor shall be appointed and qualified, and shall be paid out of the contingent fund of said county for his services such salary as said board of supervisors shall from time to time fix and determine, and such superintendent within six days after receiving such appointment and before entering upon the duties of his office, shall file the constitutional oath of office with the county clerk of said county and shall, within the same time, file with said county clerk such bond and in such an amount as said board of supervisors shall, by resolution, decide upon, conditioned upon the faithful discharge of the duties of his office, to be signed by two or more sufficient sureties and to be approved by the county clerk.

Sac. 2. The said board of supervisors of the county of Muskegon may at any regular, special or adjourned meeting thereof, if said board shall decide sufficient cause exists, appoint a new superintendent of drains, which act and appointment shall operate to immediately terminate the office of any superintendent of drains at the time of holding such office, and such new appointee shall, within six days after such appointment, qualify as provided in section one of this act. The county clerk shall, upon the appointment of any

superintendent of drains, report to the Secretary of State the fact of such appointment, giving the date such officer qualifies and enters upon the duties of his office.

SEC. 3. The supervisor and highway commissioner of each township in the county of Muskegon, together with the superintendent of drains shall constitute a local drain board; the supervisor shall be chairman and the highway commissioner shall be secretary thereof and any two members of such board shall constitute a quorum to transact such business as shall properly come before it, and such local drain board shall have general charge of all drains or parts of drains already constructed within their respective townships, and it shall be the duty of such local drain board, upon obtaining knowledge that obstructions are formed or being formed in any public drain in the township from any cause whatever, to remove or cause such obstruction to be removed and to pay the expense thereof out of any money that may remain in the fund belonging to such drain, and if there shall be no such money, then it shall be the duty of said board to assess the expense thereof to the lands benefited by said drain upon the same pro rata of benefits provided in the last assessment on said drain: *Provided*, That when such obstruction shall be caused by the carelessness or negligence of any person or persons whose lands are traversed by said drain so obstructed, by allowing cattle to tramp the banks into the drains, by felling trees therein, making roads across the same or in any other manner, being in the judgment of said local drain board, personally responsible for such obstruction, then it shall be the duty of said local drain board to take into consideration the causes of such obstruction and determine such individual responsibility, and may in their discretion assess against the lands of such person or persons such amounts for benefits in excess of the first pro rata cost as said local drain board or a majority thereof shall deem just and equitable: And *Provided further*, That not exceeding one hundred dollars shall be expended in any one year for the maintenance of any drain by said local drain board, and it shall be lawful for the local drain board of any township in said county of Muskegon to enter into an agreement with any person or persons whose lands are traversed by a public drain, to keep in good repair and at normal depth any stipulated portion of such drain and in consideration thereof to allow such person or persons as a just compensation therefor the whole or any portion of any special tax that may be assessed against the lands of such person or persons for the improvement of such drain, which agreement shall be in writing, signed by the person or persons agreeing to perform such service and by said local drain board or a majority thereof.

Local drain board.

Chairman and secretary.

Duty of.

Proviso, assessment in excess of pro rata.

Further proviso, yearly expenditure.

SEC. 4. The local drain board shall have power to consolidate any two or more public drains now constructed or being constructed into one single drain-system to be composed of a trunk drain and the branches tributary thereto, and the

May consolidate drains, etc.

Proviso,  
when in two or  
more town-  
ships.

lands benefited thereby into a single assessment district when such drains and the lands benefited thereby are all located in any one township: *Provided*, That if the drains to be consolidated or the lands assessed for the construction thereof are located in whole or in part in two or more townships, then the power to consolidate drains and drain assessment districts shall be vested in the local drain boards of the several townships so interested acting jointly.

County drain  
superintend-  
ent, power  
and duty of.

SEC. 5. Except as herein otherwise provided, it shall be the duty of the superintendent of drains to perform all such duties as are now required to be performed by the county drain commissioner under the general laws of the State of Michigan, and such superintendent of drains shall have all the powers conferred by statute upon county drain commissioners not inconsistent with this act.

Applications,  
how signed.

SEC. 6. Before the superintendent of drains for the county of Muskegon shall take any action toward locating or establishing any public drain or cleaning out, opening, extending, altering or improving one already established and theretofore constructed or partially constructed, there shall be filed with him an application signed by not less than ten freeholders of the township or townships in which such drain or any of the lands to be benefited thereby and to be assessed therefor may be situated, and five or more of said signers shall be owners of land liable to an assessment for benefits on account of the construction, cleaning out, deepening, widening, extending, altering or improving such drain, giving a general description of the beginning, the route and the terminus thereof: *Provided*, That where there are only five or less property owners liable to assessment for benefits, two or more of such owners of the land so liable shall be necessary upon such application.

Proviso.

Duty on re-  
ceipt of  
application.

SEC. 7. Such superintendent of drains, upon receiving such application, shall examine the same and if found to be insufficient in form or substance, he shall note his objection thereon and return the same without unnecessary delay to the applicants. If, on such examination, he shall find said application sufficient he shall file the same in his office together with the date of such filing and shall set a day for the consideration of such application, which day shall be not more than fifteen days from the date of the filing of such application, and he shall within ten days after the filing of such application, give notice in writing to the members of the local drain board of each township traversed by said drain, and in which are situated the lands to be assessed for benefits in connection therewith, of the time and place when and where such application will be heard, and such local drain board or boards, as the case may be, shall constitute a board to pass upon and determine the necessity for such improvement, and if said board shall find that said proposed improvement is a necessary public improvement and necessary to the public health, said finding shall be immediately reduced to writing and signed

by said local drain board or a majority thereof in a book provided by the superintendent of drains for that purpose. The said drain board shall at once determine by a two-thirds vote the necessity for the employment of a surveyor or civil engineer to prosecute the preliminary work by taking levels or fixing grades for such proposed drain or drain improvement, nor shall any surveyor or civil engineer be employed, nor any expense therefor incurred to determine whether said drain or drain improvement is properly completed unless by a similar vote of said drain board, the same shall be determined necessary to settle differences between the superintendent of drains and the contractor for the work.

Surveyor, etc.,  
employment  
of.

SEC. 8. The supervisor and highway commissioner of the several townships shall be entitled to compensation as members of local drain boards, or when acting as members of any board for the construction of any drain improvement, at the rate of two dollars per day for the time actually employed, to be audited by the township board of their respective townships and to be paid out of the contingent fund of said township.

Compensation  
of members.

SEC. 9. After the drain board shall have determined that the proposed drain described in any application is a necessary public improvement, the superintendent of drains shall immediately notify the county treasurer of Muskegon county of such determination and of the name by which such drain is to be known, which notice shall be filed in the office of said treasurer on the day he shall receive the same and on the same day the said county treasurer shall enter in his books an account with such drain.

Notice of de-  
termination.

SEC. 10. Within five days after the first order of determination, as approved in section seven of this act, the said drain board or a majority thereof shall go over the route of the said proposed drain or drain improvement and temporarily stake out the course thereof and determine generally the grade, the berm, the width of bottom and slope of banks thereof, and make a memorandum of the same and shall divide the same into convenient sections and number the same, or they shall cause same to be done under the supervision of one of their number to be designated by said board, and at the same time shall post at least five public notices in writing in five conspicuous places along the route of said proposed drain, that upon a certain day to be named in said notice the aforesaid drain board will go over the route of said proposed drain, commencing at the proposed mouth thereof, and at a certain hour, and that such interested persons as see fit may appear and accompany said board and may ask said board for such changes as they may see fit in the route of said drain as the same is temporarily located by said board at such places as such person is interested, and the said board shall have the power to make such changes in the route or dimensions of said proposed drain upon such application or upon its own motion as it shall see fit, and its determination as

When drain  
board to tem-  
porarily stake  
out, etc.,  
drains.

Memoranda,  
etc., where  
kept.

to the route or dimensions of said drain shall be final, and a full memoranda of the route or course of said drain and the various subdivisions of land traversed by it, together with the dimensions of said drain and the name by which said drain shall be known, shall be made and entered in a book of record to be made and kept by the superintendent of drains, and such final determination when so made shall be signed by a majority of said board.

To advertise  
for bids.

Sec. 11. Within ten days after the final determination of said drain board of the dimensions of said drain or drain improvement and its route or course, the superintendent of drains shall advertise for bids for the construction thereof by posting or causing to be posted written or printed notices at every public highway crossed by said drain at the point of said crossing, and in addition thereto at five of the most conspicuous places in each township having land to be assessed for benefits for the construction of said drain, and also by mailing to the county clerk a copy of such notice, and the county clerk shall immediately upon receipt of such copy of notice post the same at the front door of the court house, and such notice shall contain a list of the several lawful subdivisions of description of lands to be assessed for benefits on account of the construction of said drain or drain improvement, and the said superintendent of drains shall cause such notice to be published in one or more newspapers published and of general circulation in the county of Muskegon. He shall also cause a copy of such notice to be served personally upon every person whose lands are affected by the assessment for such drain and who resides in such township or townships traversed by such drain or in which any of the lands to be assessed therefor are located, except such persons as shall have signed the application for said drain, the signing of which application shall be equivalent to a perpetual license to construct and maintain such drain as may be located by said drain board in accordance with said application through the land of each and every signer of said application, and no other right-of-way or conveyance therefor for said drain shall be required from any person signing said application, and such signer of such application and his grantees shall be at all times thereafter estopped from revoking said license, and it shall be the duty of the superintendent of drains, after the signing of the first order of determination by the drain board as provided in section seven of this act, to obtain the signatures of as many persons whose lands are traversed by said drain or drain improvement applied for as it is possible for him to do, to said application in addition to those required by law before the same can be filed. As to all other persons whose lands are traversed by said drain the superintendent of drains shall obtain the right-of-way as provided for by law, and while the notice of the letting of contracts for the construction of such drain is running, and before the final letting of said contracts, but in case the superintendent of

Personal  
notice served.

Right of way,  
release of.

drains is unable to secure the necessary release of right-of-way through all of the lands traversed by said drain within a period of twenty days, and after the signing of the first order of determination as provided in section seven of this act, he shall without further delay proceed to obtain the same in manner as is prescribed and set forth in the general drain laws of the State of Michigan, and such letting shall be postponed to such times as all necessary releases of right-of-way have been obtained and notices of such postponement shall be given by posting the same at the places in said town ship or townships required for the original posting of notices. The notices of letting contracts for construction of such drain shall be not less than ten nor more than fifteen days in length from the time of posting the same until the day of letting.

Notice of  
letting con-  
tracts.

SEC. 12. When such releases, as are herein required, are procured or the right-of-way shall be obtained by process of law as provided in the next preceding section, the superintendent of drains shall proceed in accordance with such notice to let said drain by sections to the lowest responsible bidder who will furnish security for the performance of his contract, which security shall be such as will be approved by such superintendent, and said superintendent may refuse to receive a bid from any person who before that time has failed to perform any contract for constructing or improving any drain in said county according to the terms of his contract, unless said superintendent shall become satisfied that such failure was not the fault of such bidder, and it shall be distinctly understood at the time of such letting that the successful bidder on each of said sections shall commence his contract within the time specified in the contract and shall continue upon such work whenever the weather will permit until the same shall be completed, and shall perform such work under the direction and subject to the order of the superintendent of drains.

Drain, when  
and how let.

SEC. 13. Said superintendent of drains shall, by himself or by some member of the drain board to be designated by a vote of said board for that purpose, take personal charge and control of the construction of each and every drain or drain improvement made pursuant to an application as provided in this act, and shall see that the same is done in accordance with the contract therefor, and if any person who has taken or entered into any contract for any portion of the work of constructing said drain or drain improvement shall be absent therefrom and shall cease to perform work thereon at any time for a period of five days his contract shall, at the option of the superintendent of drains, be void and of no force and effect, and he shall forfeit compensation for any work theretofore done, unless such delay is occasioned without his fault and by natural causes that make it impossible for him to proceed with the labor upon his contract, or such other condition rising without his negligence which may, in the judgment of the superintendent of drains, excuse such

Charge of con-  
struction.

Contract when  
void.

Time  
extension.

delay and the said superintendent of drains may, if in his judgment sufficient cause is shown by the contractor, extend the time stipulated in the original contract for a period not to exceed ten days, but in no case shall the time in the contract of one contractor be extended to the detriment, hindrance or injury of another contractor upon the same drain.

Assessment for  
benefits.

SEC. 14. After the contracts for construction or improving any drain shall be let, the said local drain board shall make an assessment according to benefits as follows:

First, They shall fix and determine the portion of said cost that the township or townships traversed by said drain shall be liable to pay by reason of the benefit to the public health and convenience or welfare or as the means of improving any highway;

Second, Said board shall apportion among the several descriptions of land benefited by said drain, the balance of said cost over and above the amount charged to said township, fixing and determining the amount each description will be benefited by reason of said drain, and when said assessment shall be made the same shall be reported by the superintendent of drains to the clerk or clerks of the township or townships traversed by said drain and assessed therefor.

Board of  
review.

SEC. 15. The said drain board shall constitute a board of review and at the time of the letting of the contracts for the construction of said drain or drain improvement, the county superintendent of drains shall make public announcement of the time and place when and where the said board will meet for the purpose of reviewing the drain special assessment as made by the drain board, and any person or persons who are owners of lands assessed for benefits by reason of the construction of said drain or drain improvement, may appear either by themselves or their accredited agents and ask for changes in the assessment, and the said board may examine persons so seeking changes in the assessment under oath, and said board, after hearing all objections and listening to the testimony of persons interested, shall make such change as they shall deem just and equitable and the said assessment, as finally determined by said board, shall stand as the drain special assessment for that drain and from this final action of said board there shall be no appeal.

Records kept  
by superin-  
tendent.

SEC. 16. It shall be the duty of the said superintendent of drains to make and keep a full financial statement of each and every drain or drain improvement laid out by him or by a drain board of which he is a member, and he shall file with the county clerk of Muskegon county all of the original papers made in connection with the laying out, altering, deepening, widening, extending or improving any drain, which papers shall include the application, the minutes of the survey, if a survey has been made, the releases of right-of-way, together with the minutes of his doings, the orders of determination of the necessity for and of the establishing of the drain, the assessment of benefits, a profile drawing of the drain or drain



improvement, if one has been made, and all other papers in any wise pertaining to the construction of any drain or drain improvement. And he shall keep in his office, collateral with the county clerk, a calendar in which he shall enter the name of every drain constructed under the supervision of the superintendent of drains or drain board with the date and a brief note of the filing of every paper in the office of the said county clerk as hereinbefore provided, and the said drain calendar and files as here provided shall be a complete record of any drain or drain improvement in Muskegon county, and no other shall be required to be kept by said superintendent of drains. Calendar kept.

Sec. 17. The board of supervisors of the county of Muskegon may, at the first regular or special meeting after this act shall take effect, provide by resolution that all orders drawn on account of the cost and expense of constructing or improving any drain in said county and countersigned by the clerk of said board, shall be paid out of the contingent fund of said county and charged to the drain on account of which said orders shall be drawn, and said county treasurer shall draw from each drain fund the amount charged to said fund and place the same in the contingent fund, and that the interest on all drain funds in the county depository be credited to the contingent fund of the county. Payment of orders.

Sec. 18. All papers, books and memoranda in the hands of any superintendent of drains for the county of Muskegon, shall be immediately turned over and delivered to his successor on demand, accompanied by a certificate of the appointment of such successor, signed by the clerk of said board of supervisors. The superintendent of drains shall, at the regular October session of said board of supervisors in each year, tender a written report of all his doings as such superintendent of drains to the time actually spent on each drain and of the condition of all drains upon which work is being done or has been done since his last annual report, and shall make such other reports from time to time as may be required by the board of supervisors, which report shall be filed with the clerk of said board of supervisors on or before said session. Papers, etc., delivered to successor.  
To tender written report.

Sec. 19. The superintendent of drains for the county of Muskegon shall continue to hold his office until his successor shall be elected and qualified, and shall be entitled to the salary fixed by the board of supervisors of said county. Term of office.

Sec. 20. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved April 3, 1907.

[No. 463.]

AN ACT to incorporate the village of Freeport in the county of Barry.

*The People of the State of Michigan enact:*

Territory  
incorporated.

SECTION 1. All that territory located and situated in the township of Irving, Barry county, Michigan and the township of Carlton, Barry county, Michigan, and described as follows, to-wit: Commencing at the northeast corner of section one, in the township of Irving, Barry county, Michigan, running thence west two hundred sixty rods, thence south two hundred forty rods, thence east two hundred sixty rods, thence north two hundred forty rods, to place of beginning, said lands being a part of section one of the township of Irving, Barry county, Michigan; also, commencing at the northwest corner of section six of the township of Carlton, Barry county, Michigan, running thence south two hundred forty rods, thence east sixty rods, thence north two hundred forty rods, thence west sixty rods to the place of beginning, said lands being a part of section six of the township of Carlton, Barry county, Michigan, is hereby incorporated as the village of Freeport.

Election  
inspectors and  
commissioners.

SEC. 2. Wilber Pardee, George J. Nagler, Henry C. Peckham, James D. Cool and Thomas E. Cheeseborough, residents of said village of Freeport, are hereby constituted a board of election inspectors and election commissioners for the first election to be held in said village and for the purpose of registering the names of the voters for the first election to be held in said village, and the said board of registration is hereby required to meet in the rooms over A. M. Harrington's drug store on the south side of Division street in said village of Freeport, on the Saturday next preceding the third Monday in April, nineteen hundred seven, and they shall remain in session from nine o'clock in the forenoon until five o'clock in the afternoon of said day and register all persons presenting themselves for registration who have the qualifications of voters at annual township meetings, and who are residents of said village, and notice of such meeting shall be published in the Freeport Herald at least one week before said meeting and said notice shall be signed by said board of registration.

Registration.

Notice given.

First election,  
when and  
where held.

SEC. 3. The first election of officers of said village of Freeport shall be held on the third Monday in April, nineteen hundred seven, in the rooms over A. M. Harrington's drug store, situate on the south side of Division street in said village of Freeport, or such other place as the board of election commissioners shall designate, and in case said board of election commissioners designate some other place, then notice of the place of said election shall be given by said

board of election commissioners by publishing the same in the Freeport Herald at least one week prior to said election, and notice of said election shall be given by publication in the Freeport Herald and shall be signed by the board of election inspectors hereinbefore designated.

SEC. 4. The election inspectors shall give notice of the time and place of holding such election, as provided for in section three of this act, at least one week immediately preceding said election, and at such election the polls shall be open at seven o'clock in the forenoon and shall be closed at five o'clock in the afternoon of said day. Notice given.  
Polls, when  
opened.

SEC. 5. The said village of Freeport shall in all things, not herein otherwise provided, be governed by an act, entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," approved February twenty, eighteen hundred ninety-five, and all acts supplementary and amendatory thereto. Act governing.

SEC. 6. In case the officers of said village of Freeport are not elected at the time designated in section three of this act, an election for such officers may be held within thirty days after the time so designated, and notice of such election shall be given as provided by said section. In case officers  
not elected.

SEC. 7. The officers elected in pursuance of the provisions of this act shall hold office for a term which shall expire at the same time as the term of village officers elected under the general law in the year nineteen hundred seven. Term of office.

This act is ordered to take immediate effect.

Approved April 3, 1907.

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[No. 464.]

AN ACT to enable the board of supervisors of the county of Muskegon to erect and maintain a bridge at a certain point across the Muskegon river in the township of Cedar Creek, Muskegon county, and to issue the bonds of said county therefor, the same to be known as a county bridge.

*The People of the State of Michigan enact:*

SECTION 1. The board of supervisors of the county of Muskegon is hereby authorized and empowered to erect and maintain a bridge across the Muskegon river at a point in the township of Cedar Creek, Muskegon county, and the township of Bridgton, Newaygo county, said river at said point being the dividing line between said counties, and to expend therefor such sum, or sums, as shall be necessary to properly build said bridge and its approaches, not exceeding six thousand dollars, and, if necessary, to issue the bonds of said Authority to  
erect bridge.

county therefor at a rate per cent not exceeding six per cent per annum, payable annually; *Provided*, That a majority of the electors of said county voting at a regular or special election in said county shall be in favor of said loan in the manner specified in this act. The question of raising the said money shall be submitted by the board of supervisors of said county to the electors therefor [thereof]. Those electors voting for said loan shall have written or printed on their ballots the words "For the Loan;" and those electors voting against the loan shall have written or printed on their ballots the words "Against the Loan." And the votes cast for and against said proposition shall be canvassed and certified in the same manner as the votes cast for and against such proposition are usually canvassed and certified.

**Proviso, submission, etc.**

**Ballots, form of.**

**Canvass.**

**Bond issue, manner of, etc.**

**Tax levy.**

SEC. 2. If said loan shall be authorized by a majority of such electors said bonds may be issued in such sums not exceeding the amount hereinbefore limited, payable at such times, with such rates of interest not exceeding six per cent, as said board of supervisors shall determine and direct. Such bonds shall be signed by the chairman of said board and countersigned by the county clerk of said county, and negotiated by or under the direction of said board of supervisors, and the money raised therefrom shall be appropriated in such manner as said board shall determine for the purposes aforesaid, and said board of supervisors shall have the power, and it shall be its duty, to raise by taxes upon the taxable property of said county such sum or sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved April 3, 1907.

[No. 465.]

AN ACT to incorporate the village of Stanwood, in the county of Mecosta.

*The People of the State of Michigan enact:*

**Territory incorporated.**

SECTION 1. All that territory situated in the township of Mecosta, county of Mecosta, and State of Michigan, and described as follows, viz.: The northeast quarter of section twenty-five in township fourteen north of range ten west, said territory including the recorded plats of the village of Stanwood and all subdivisions thereof, is hereby organized, incorporated, made and constituted a village by the name of Stanwood.

SEC. 2. The inhabitants of said village shall be and constitute a body politic and corporate, to be known and distinguished by the name and title of the village of Stanwood, and the said village shall be vested with all the powers and privileges, and subject to all the restrictions, except when inconsistent with the provisions of this act and liabilities of villages organized under an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and all acts amendatory thereof or in addition thereto.

Body politic  
and corporate.

SEC. 3. The first election of officers for said village shall be held on the twenty-ninth day of April, nineteen hundred seven, at the town hall situated in said village.

First election.

SEC. 4. G. W. Reed, Thomas Mitchell, Frank Chilson and G. W. Smith are hereby constituted the board of registration and election for the purpose of registering voters for the first election to be held in said village, and of acting as inspectors of election at said first election, and the said board of registration is hereby directed to meet on the Saturday preceding the said twenty-ninth of April, nineteen hundred seven, in the town hall in the said village of Stanwood, and register the names of all persons, residents of said village, presenting themselves for registration, and having the qualifications of voters under the constitution and laws of the State of Michigan.

Boards of  
registration  
and election,  
etc.

Registration,  
when and  
where held.

SEC. 5. Notices of said first election of officers of said village shall be posted in three of the most public places in said village, at least five days before the date of said election, which notice may be signed by any five electors in said village.

Notices  
posted.

SEC. 6. The said village of Stanwood shall, in all things not herein otherwise provided, be governed by the said act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and the acts amendatory thereof and in addition thereto.

Act governing.

SEC. 7. In case the officers of said village are not elected at the time designated in section three of this act, the election of such officers may be held at any time within one year from the time designated in said section, notice thereof being given as provided in section four of this act.

In case officers  
not elected.

This act is ordered to take immediate effect.

Approved April 3, 1907.

## [No. 466.]

AN ACT to amend section one of "An act to incorporate the city of Croswell, in the county of Sanilac, as a city of the fourth class, and to repeal all acts or parts of acts relative to the incorporation of the village of Croswell," approved March ninth, nineteen hundred five.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section one of "An act to incorporate the city of Croswell, in the county of Sanilac, as a city of the fourth class, and to repeal all acts or parts of acts relative to the incorporation of the village of Croswell," is hereby amended to read as follows:

Territory  
incorporated.

SECTION 1. The territory in the county of Sanilac and State of Michigan, described as follows, to-wit: Commencing at the northwest corner of the northwest quarter of the southwest quarter of section twenty, in town ten north, range sixteen east; thence south along the east line of sections nineteen, thirty and thirty-one, in said town ten north, range sixteen east, to a point in the east line of section thirty-one, where the extension of the north line of the land owned by the Davisville cemetery incorporation would intersect said east line of said section thirty-one; thence east to the high bank of Black river; thence northerly along the west high bank of said river, following the meanderings thereof, to a point where the said meander line intersects the south line of section twenty-nine, in town ten north, range sixteen east; thence east along said south line of said section twenty-nine to the southeast corner of said section twenty-nine; thence north along the east line of said section twenty-nine, eighty rods; thence east on a line parallel to the south line of section twenty-eight, in town ten north, range sixteen east, eighty rods; thence north on a line parallel to the west line of sections twenty-eight and twenty-one, in town ten north, range sixteen east, four hundred rods to its intersection with the quarter line of section twenty-one, in town ten north, range sixteen east; thence west along the quarter line in sections twenty-one and twenty, town ten north, range sixteen east, four hundred rods to place of beginning, including all the lands in said boundaries, is hereby detached from the township of Lexington and the said territory so detached is hereby incorporated, made, constituted and organized into a city to be known as the city of Croswell.

This act is ordered to take immediate effect.

Approved April 4, 1907.

## [No. 467.]

AN ACT to regulate the keeping of public accounts, the making of estimates, the appropriation of money, and the expenditure of the same, in Wayne county.

*The People of the State of Michigan enact:*

SECTION 1. It shall be the duty of the board of county auditors of Wayne county to keep a separate account with each department or fund for which appropriations of the funds of Wayne county may from time to time be appropriated as hereinafter provided. Such accounts shall be so kept that each such department or fund shall be credited with all sums appropriated for its benefit, and shall be debited in detail with each and every item of expense properly chargeable against such department or fund from time to time, as such expenses shall be paid.

Separate  
account.

How kept.

SEC. 2. It shall be the duty of the board of auditors of Wayne county to prepare annually itemized estimates for the ensuing fiscal year. A separate estimate shall be prepared for each department or fund, for which money is appropriated by said county of Wayne, and each such estimate shall show in detail the amounts asked for such department or fund, for any and all purposes. Such estimates shall be collected in suitable form, shall be printed for the use of the board of supervisors of Wayne county, and at least one hundred copies shall be filed with the clerk of said board of supervisors not less than twenty days before the first day of the annual meeting of said board of supervisors.

Annual  
estimate.

Number  
printed, etc.

SEC. 3. The board of supervisors of Wayne county shall have power in their discretion, to specifically appropriate, by itemized appropriation, public moneys raised in said county in any manner in which such moneys may now lawfully be raised, or in any manner in which they may in future lawfully be raised, for any purpose which is now lawful, or in future may be made lawful. Such specific appropriations may be itemized either partially or fully. The said board of supervisors may order moneys so specifically appropriated to be spent in exact accordance with said appropriation, or they may, in their discretion, leave the expenditure of such moneys to the discretion of the disbursing officers of said county, in which case the limits of the discretion which may be exercised by such disbursing officers shall be specifically indicated by resolution of said board of supervisors.

Appropriation  
of money by  
board of  
supervisors.

Expenditures.

SEC. 4. It shall be unlawful for moneys appropriated in accordance with the terms of section one of this act to be expended in any manner except in strict accordance with the terms of such appropriation: *Provided*, The disbursing officers of Wayne county may spend less than the amount of such appropriations. In such case the unexpended balance

Unlawful  
expenditures.

Proviso.

shall be subject to the disposal of the board of supervisors of said county, and shall not be expended in any manner except as approved by said board.

Repealing  
clause.

Sec. 5. All acts and parts of acts in anywise conflicting with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 4, 1907.

[No. 468.]

AN ACT to authorize the city of Grand Haven to borrow money and issue bonds therefor in the sum of sixty thousand dollars to defray the expense of the construction of sewers in said city.

*The People of the State of Michigan enact:*

Authority to  
bond.

SECTION 1. The city of Grand Haven is hereby authorized to issue negotiable coupon bonds of the said city on the faith and credit thereof to an amount not exceeding sixty thousand dollars.

Time of issue,  
interest.

Sec. 2. The common council of said city, by resolution or ordinance adopted by a majority of its members elect, may determine the time or times when said bonds shall be issued, the denomination and form thereof, the time of their payment, which shall not be more than ten years from their date, the rate of interest they shall bear, which shall not exceed five per cent per annum, payable semi-annually, and the time when such interest is payable and the manner in which said bonds shall be executed. Said bonds shall be denominated on their face "Sewer Bonds." They shall not be sold for less than par value.

Denomina-  
tion.

Tax levy.

Sec. 3. Said bonds when issued in pursuance of such resolution and when delivered for par value, shall be valid and binding obligations of said city. Said city shall have authority to cause to be levied, in the manner now provided by law for the levy and collection of taxes for the general funds of said city, such sums as shall be necessary to pay the interest and principal of said bonds as the same mature: *Provided*, That the common council of said city, when said bonds are falling due, may refund the same in such manner as merely to extend the time of payment thereof but not to increase the indebtedness of said city.

Proviso,  
refunding.

Proceeds,  
how used.

Sec. 4. The proceeds of said bonds when received from the sale thereof, shall be used, under the direction of the common council of said city, exclusively for the payment of the expense of constructing sewers in said city.



Sec. 5. The common council of said city shall have the authority upon the construction of any sewer to be aided by funds raised from said bonds, to define and declare a district or districts as the case may be, to be assessed for the cost thereof, according to the benefits received by the several parcels of land therein, such assessments to be made in the manner authorized by the charter of said city. The amount of special tax assessed against any parcel of land shall be a lien thereon, from the time that the tax roll is placed in the hands of the city treasurer, to be enforced in the same manner as other special taxes. The amount paid to said city upon such special tax rolls, together with interest or collection fee thereon, shall be used exclusively by said city for the payment of the principal and interest of said bonds, or to reimburse the general sewer bond fund of said city for any sums drawn therefrom in payment of the principal and interest on said bonds: *Provided, however,* That the charge of the duties or obligations of the city imposed by this section is not intended as a condition precedent to the execution, issuance, sale and delivery of said bonds.

Assessing districts.

Special tax, a lien.

Proceeds of, how used.

Proviso.

This act is ordered to take immediate effect.

Approved April 4, 1907.

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[No. 469.]

AN ACT to make townships, cities and villages in Delta county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for such payment.

*The People of the State of Michigan enact:*

SECTION 1. Hereafter within the county of Delta all claims incurred in the care of persons sick with contagious diseases or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for the payment of the same, shall be charged to and paid by the township, city or village in which the same are incurred, when audited by the township board of the township, board of aldermen or city council of the city, or the board of trustees or village council of the village, and shall be paid by said township, city or village, as the case may be, except as hereinafter provided.

Contagious disease claims.

Sec. 2. The board of supervisors of said county shall have power to audit and allow and order paid by the county any or all claims incurred in the care of persons sick with con-

Claims paid by county.

tagious diseases or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, whenever in the opinion of two-thirds of all the members-elect of said board the township, city or village, primarily liable for such claim or claims, as provided in section one of this act, should be relieved in whole or in part from the payment of the same.

Power to  
examine, etc.

SEC. 3. The board of supervisors of said county shall have full power to examine into the merits of any or all claims presented to them in accordance with section two of this act, and upon such examination by a two-thirds vote of all the members-elect to allow or reject in whole or in part any or all of such claim or claims.

This act is ordered to take immediate effect.

Approved April 11, 1907.

[No. 470.]

AN ACT to enable the board of supervisors of Ionia county to submit to the electors of the said county, at a special election, the question of borrowing or raising by tax upon said county any sums of money necessary to purchase for the use of said county any real estate necessary for the erection of buildings for the support of the poor of such county, and for a farm to be used in connection therewith, and for the purpose of erecting necessary buildings for poor houses.

*The People of the State of Michigan enact:*

Real estate,  
purchase of  
submitted.

SECTION 1. The board of supervisors of Ionia county may submit to the electors of said county, at a special election to be called by said board of supervisors, the question of borrowing or raising by tax upon said county any sums of money necessary to purchase for the use of said county any real estate necessary for the erection of buildings for the support of the poor of said county, and for a farm to be used in connection therewith, and for the purpose of erecting necessary buildings for poor houses and for any of such purposes. Such election and the proceedings thereon shall be governed by the provisions of act number one hundred fifty-six of the session laws for the year eighteen hundred fifty-one, and acts amendatory thereto.

Act governing  
election.

This act is ordered to take immediate effect.

Approved April 11, 1907.

## [No. 471.]

AN ACT to amend sections five, six, twelve and fifteen of act number three hundred forty-seven of the local acts of nineteen hundred one, entitled "An act relative to justices of the peace and justice courts in the city of Flint," approved March twenty-one, nineteen hundred one, and to repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

SECTION 1. Sections five, six, twelve and fifteen of act number three hundred forty-seven of the local acts of nineteen hundred one, entitled "An act relative to justices of the peace and justice courts in the city of Flint," approved March twenty-one, nineteen hundred one, are hereby amended to read as follows: Sections amended.

SEC. 5. No justices of the peace, hereafter elected in said city, shall receive any fees to his own use, but in lieu thereof shall be paid a salary by said city, as follows: Commencing July fourth, nineteen hundred seven, the sum of one hundred dollars per month, payable monthly. Salary of justice.

SEC. 6. The common council of said city shall provide for each of said justices of the peace a court room and a jury room attached, and may provide a private room and shall also furnish the same with tables, desks, chairs and furniture, and heat and light the same, and shall procure for the common use of such justices one set of Michigan Supreme Court Reports and other necessary legal books, and shall also furnish each of said justices with the necessary record books, blanks and stationery, same to be in the discretion of the common council. Court room, etc., provided.

SEC. 12. Before any civil action or proceeding, except proceedings in garnishment, shall be commenced before any justice hereafter elected in said city, there shall be paid to said justice by the party bringing the suit the sum of fifty cents, and before the trial of any such action or proceeding shall be commenced, the further sum of fifty cents, but in case of nonsuit no judgment fee shall be required; and in case garnishee proceedings are commenced simultaneously with the issuing of the original summons in case of settlement before trial and disclosure, the costs in both cases shall be one dollar, and where garnishee proceedings are commenced on former judgment and settled before disclosure, the costs in such garnishee proceedings shall be fifty cents, otherwise the statutory fees may be charged, and security for costs may be required as under the general laws of the State. Fees and costs.

SEC. 15. The justices elected under this act shall be allowed a vacation not exceeding fourteen days in the aggregate in each year, provided only one justice shall be absent at the same time, and shall hold a session of court every day, Sun- Vacation and court hours.

days and legal holidays excepted, and shall have their court rooms open at least from nine o'clock a. m. until five o'clock p. m., except as aforesaid.

Repealing  
clause.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved April 11, 1907.

[No. 472.]

AN ACT to provide for the maintaining, repairing or rebuilding of the bridge across the Black river on the south line of section twenty-nine, in town ten north, range sixteen east, by the city of Croswell and the township of Lexington.

*The People of the State of Michigan enact:*

Certain  
bridge, a joint  
expense.

SECTION 1. The bridge now situated across the Black river on the south line of section twenty-nine, in town ten north, range sixteen east, shall hereafter be maintained, repaired or rebuilt at the equal, joint expense of the city of Croswell and the township of Lexington.

Control and  
supervision of.

SEC. 2. The maintaining, repairing or rebuilding of said bridge shall be under the joint control and supervision of the street commissioner of the city of Croswell and the commissioner of highways of the township of Lexington.

Joint  
contracts.

SEC. 3. Whenever the cost of maintaining, repairing or rebuilding of said bridge is such that the law would require the commissioner of highways to let the same by contract, if the said bridge were situated wholly within the township, the said commissioner shall jointly let contracts for the maintaining, repairing or rebuilding of said bridge, as nearly as may be as provided for the letting of such contracts in such cases in townships.

When ex-  
igency exists.

SEC. 4. Whenever in the opinion of the commissioners an exigency exists, requiring a greater sum to be expended in the maintaining, repairing or rebuilding of said bridge by such city or township than said city or township is now authorized to expend in any one year for bridge purposes, the same action for the purpose of raising such money by tax or loan shall be taken by said city or township as is now provided by law.

Money, how  
raised and  
expended.

SEC. 5. The amount of money chargeable to said city or township on account of the maintaining, repairing or rebuilding of said bridge, in the cases provided for in section four hereof being ascertained as nearly as may be, shall be reported and raised in the said city or township as is now pro-

vided for raising money for bridge purposes in said city or township, and shall be held and disbursed by the treasurers of the respective city and township and shall be drawn only for the specific purpose for which it was raised, upon orders of said treasurers respectively, signed by said two commissioners, jointly, and countersigned by the clerk of the city or township where such orders are payable, and having endorsed thereon a certificate of such two commissioners, certifying that the labor has been actually performed or the materials furnished for which said order was given.

SEC. 6. Said city and township shall be subject in all its provisions relative to bridges to act three hundred six of the public acts of nineteen hundred five, entitled "An act to provide for the building, rebuilding or repairing of bridges and roads situated in more than one township, or partly in one township or more than one and partly in a city or incorporated village, when any such township, city or village shall fail to join in or contribute to the building or repairing thereof." Act governing.

This act is ordered to take immediate effect.

Approved April 11, 1907.

[No. 473.]

AN ACT to amend section four of act five hundred sixty-three of the local acts of eighteen hundred eighty-seven, entitled "An act to incorporate the public schools of the township of Sanborn in the county of Alpena."

*The People of the State of Michigan enact:*

SECTION 1. Section four of act five hundred sixty-three of the local acts of eighteen hundred eighty-seven, entitled "An act to incorporate the public schools of the township of Sanborn in the county of Alpena," is hereby amended to read as follows: Section amended.

SEC. 4. The said trustees shall meet on the third Monday of April in each year, at the office of the township clerk, and organize. The supervisor of the township shall be president of the board, but shall not be entitled to vote, except in case of a tie. In the absence of the president at any meeting, a majority of the members present may choose one of their own number president pro tem. The township clerk of said township of Sanborn shall be ex-officio clerk of said board of education and shall perform such duties as the board may reasonably require, but shall not be entitled to vote therein, and in case of the absence of said clerk the board may choose some suitable person to perform his duties. The township To meet and organize.  
Supervisor.  
Clerk.  
Treasurer.

Bond.

treasurer of said township of Sanborn shall be ex-officio treasurer of the said board of education and shall perform such duties as the said board may reasonably require of him, but shall not be entitled to vote on any question coming before the board. The said treasurer shall, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine and approve, conditioned for the faithful performance of duties and honest accounting for all moneys coming into his hands belonging to said district. The treasurer of said board shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president.

This act is ordered to take immediate effect.

Approved April 11, 1907.

[No. 474.]

AN ACT to amend section two of senate enrolled act number forty-two, approved March twenty-six, nineteen hundred seven, entitled "An act to provide for the construction of a bridge across Rogue river in the township of Plainfield, county of Kent, and for the raising of funds to defray the costs and expenses thereof."

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. Section two of senate enrolled act number forty-two, approved March twenty-six, nineteen hundred seven, entitled "An act to provide for the construction of a bridge across Rogue river in the township of Plainfield, county of Kent, and for the raising of funds to defray the costs and expenses thereof," is hereby amended to read as follows:

Question submitted by ballot.

SEC. 2. The question of raising the money to build said bridge shall be submitted to the qualified electors of the county of Kent at the special election held therein April twenty-seventh in the year nineteen hundred seven, and the vote upon the question shall be by ballot. The electors voting in favor of the county of Kent raising the necessary money to build said bridge shall have written or printed upon their ballots the words: "Shall the county of Kent raise the money to build a bridge across Rogue river, in Plainfield township, at a point known as Childs' Mills—Yes." The electors voting against the question of the county raising the necessary money to build said bridge shall have written or printed upon their ballots the words: "Shall the county

Form of ballot.

of Kent raise the money to build a bridge across Rogue river, in Plainfield township, at a point known as Childs' Mills—No."

This act is ordered to take immediate effect.

Approved April 11, 1907.

[No. 475.]

AN ACT to amend act number six hundred thirty-seven of the local acts of nineteen hundred five, entitled "An act to provide for the payment of the salaries to the sheriff, clerk, treasurer, register of deeds and deputies of said offices of Calhoun county, Michigan, and provide for the collection of all fees and payment of the same to the county treasurer."

*The People of the State of Michigan enact:*

SECTION 1. Act number six hundred thirty-seven of the local acts of nineteen hundred five, entitled "An act to provide for the payment of the salaries to the sheriff, clerk, treasurer, register of deeds and deputies of said offices of Calhoun county, Michigan, and provide for the collection of all fees and payment of the same to the county treasurer," is hereby amended to read as follows: Act amended.

SECTION 1. The board of supervisors of Calhoun county, Michigan, is hereby empowered to pay the sheriff, county clerk, county treasurer, register of deeds, under sheriff and such deputies and clerks as the board of supervisors allow, out of the county treasury, such annual salaries as the board of supervisors may determine. Such salaries shall be fixed and determined by said board at the first meeting of the board in the year in which the election of said officers is to take place; and such compensation shall be in full for all services for which the county may be liable, and which said officers can be required to perform by virtue of their respective offices, and in lieu of all fees which are fixed by law; and which salary shall neither be increased nor diminished during the term for which said officers shall be elected. Officers,  
salaries of.  
  
Fixed by  
supervisors.

SEC. 2. The board of supervisors at the time of fixing such salaries may name and designate the number of deputies in addition to the under sheriff, which said sheriff may appoint in any city, village or township in said county, and only such number of deputies shall receive any salary: *Provided, however,* That said sheriff may appoint a deputy and designate him to act as truant officer in said county and such deputy so designated shall not receive any greater, other or different compensation than is fixed by law and May name and  
designate  
number of  
deputies.  
  
Provide,  
truant officer.

Further  
proviso, gen-  
eral deputy  
sheriff.

In certain  
cities, etc.

In cases of  
riot, etc.

Duties of gen-  
eral deputy.

Duty of jus-  
tice, etc.

allowed by the board of supervisors for services as such truant officer: *Provided further*, That in any and all cases where deemed advisable or desirable by the sheriff or the laws of this State require that any officer or person should have the power of a general deputy sheriff, the said sheriff may appoint such person or persons as deputy sheriff, such appointment conferring upon them all the rights and powers of deputy sheriffs, but such person or persons shall receive no salary, fees or other compensation for performing the duties of a deputy sheriff. The board of supervisors, however, may, by motion or resolution, authorize the appointment in certain cities, villages or townships to be designated by them, of a general deputy or deputies who may, for services performed by them, be allowed the fees provided by the general laws of the State, but no such general deputy shall be allowed or authorized in any city, village or township in which the said board has authorized a general deputy or deputies, who shall receive a salary under the provisions of this act. Nothing herein shall be construed to limit or restrict the powers and duties of the sheriff to appoint special deputies to perform any special act or duty, or in cases of riot, unusual public disturbances or assemblies, or when necessary to protect the lives of citizens or prevent the destruction of or damage to any property located in the county of Calhoun, who shall be paid for such services such amount as the board of supervisors shall allow.

SEC. 3. No general deputy shall refuse or neglect to serve any civil or criminal process or warrant issued out of any court of competent jurisdiction within said county and shall report and pay over all fees collected by him, as is elsewhere herein required, and in addition to such payment shall report to the county treasurer all civil processes served by him and for which he did not receive the fees required by law, giving the title of the cause, the court from which process issued, the amount due for said officer's services, and it shall be the duty of the justice or other judicial officer to collect such fees and pay them over to the officer, taking his receipt therefor, or he may pay them over to the county treasurer, and it is hereby made the duty of all justices of the peace and other judicial officers to report to the county treasurer all cases where such fees become due to a general deputy sheriff and were not collected by him, and such report shall state fully what disposition was made of such case or cases and shall be accompanied by such fees as have been paid to said justice or receipts from such deputy sheriff in case said justice or judicial officer shall have paid said fees over to such deputy after collection, and the neglect or failure to make the report herein required on or before the tenth of each month succeeding any month in which any case requiring said report has been commenced, or to turn over to the county treasurer such fees collected or the receipt there-



for, shall subject the said justice or other judicial officer to the penalties provided for violation of this act.

SEC. 4. The sheriff, under-sheriff and deputies who receive a salary, shall collect and make itemized statement of all fees required by law for the service of any process other than that of the county, which shall be paid to the county treasurer, the last day of each month, taking duplicate receipts therefor. The county treasurer, county clerk and register of deeds shall collect all fees required by law and make out an itemized statement of the same and pay them to the county treasurer the last day of each month, taking duplicate receipts therefor: *Provided*, That after this bill shall have become operative, before any suit at law or in chancery, except such as may be brought by or on behalf of the county, shall be commenced in the circuit court or brought therein by appeal or on certiorari or certified thereto by a justice of the peace, or before any judgment by confession shall be entered, there shall be paid to the clerk of said court by the party commencing such suit, or appealing to said court, the sum of four dollars, and in cases coming on appeal or otherwise from justice court, said sum of four dollars shall be paid by the appellant to the justice as a condition precedent to perfecting his appeal, and said sum of four dollars shall be paid by said justice to the clerk of the court at the time of delivering the papers pertaining to the appeal. In all cases the complainant, plaintiff or appellant shall, before the hearing or trial of any case in open court or before the entry of any final judgment, decree or order, in any other case or proceeding, pay a further and additional fee of four dollars, and it is hereby made the duty of the clerk or register to collect such fees, and if a jury shall be demanded by either party to any such suit, such party shall, at the time of making such demand, pay to said clerk the sum of three dollars: *Provided*, That in case both parties shall demand a jury, the clerk shall receive such sum from the party first making the demand therefor, and from him only: *Provided further*, That a fee of three dollars as stenographer's fee shall be paid to the clerk of the court by the party commencing suit. The sums paid as aforesaid, shall be held to be in full of all clerk, register, entry, jury and stenographer's fees in any such suit from the commencement thereof to and including the issuing and return of execution or other final process. The sum or sums so paid shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party, in addition to any other costs to which he may be entitled by law: *Provided*, That in any suit brought to this county upon change of venue, the party demanding such change shall pay to the clerk of the court all fees required by other litigants in this county: *Provided further*, That in case a suit is started in this county and has been transferred to some other county before being tried, the entry fee of the county to which said

Sheriff, etc.,  
to collect and  
make state-  
ment of fees.

Treasurer,  
clerk and  
register.

Proviso,  
suits when  
commenced;  
fees, etc.

Additional  
fees.

Proviso.

Further  
proviso,  
stenographer's  
fee.

Proviso,  
change of  
venue.

Further  
proviso.

case had been transferred may be paid by this county upon an order made by the court.

Salaries,  
when paid.

SEC. 5. The salaries aforesaid shall be paid monthly by the county treasurer, upon a warrant issued by the county clerk, but not until the itemized statement of all fees collected and paid over to the county treasurer, as aforesaid, has been sworn to and filed with the county treasurer and a duplicate of the receipt therefor filed with the county clerk.

Moneys, where  
credited.

SEC. 6. All moneys received by the county treasurer by virtue of this act shall be credited to the general fund of the county.

Certain  
expenses of  
sheriff paid.

SEC. 7. The board of supervisors is hereby empowered to pay the sheriff, under-sheriff and his deputies, who receive a salary by virtue of this act, upon a sworn itemized statement of said expenses, any money actually expended by them in pursuance of their official duties; also, not to exceed fifteen cents per meal for meals actually eaten by the prisoners while confined in the Calhoun county jail, and such payment shall be in full for all services rendered said

Allowance for  
meals.

Proviso.

prisoners: *Provided*, That the board of supervisors is to provide for all printing, stationery, postage, purchasing of books, records and other papers necessary for the public services: *Provided, further*, That said board of supervisors may, by motion or resolution, authorize and empower any person or persons to examine and pass upon the expense accounts so filed as above provided, monthly, and the amount allowed or recommended by such person or persons shall be paid said sheriff, under-sheriff and deputy sheriffs at the same time and in the same manner as their salaries are paid. Such examination and allowance, however, shall be subject to review and final determination by the board of supervisors and in case any amount should be allowed and paid any of said officers, which amount should, upon review, be disallowed by said board, such officer shall, within ten days after receiving notice of such disallowance, refund the amount or amounts to the county, and a failure so to do shall be deemed to be a violation of the provisions of this act and subject the offender to the penalty hereinafter provided.

Further  
proviso,  
examination  
of accounts.

Review and  
final determi-  
nation.

Penalty.

SEC. 8. If any of the aforesaid officers or their deputies shall fail to comply with the provisions of this act, they shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment at the discretion of the court.

This act is ordered to take immediate effect.

Approved April 11, 1907.

## [No. 476.]

AN ACT to authorize the county of Mecosta to hold annual fairs for the encouragement and advancement of agriculture, manufactures, and mechanic arts, and to provide a tax therefor.

*The People of the State of Michigan enact:*

SECTION 1. The county of Mecosta is hereby authorized to hold annual fairs in said county for the encouragement and advancement of agriculture, manufactures and mechanic arts, whenever its board of supervisors shall so determine. Authority to hold fairs.

SEC. 2. Whenever it shall be determined by the board of supervisors of said county that a fair shall be held in accordance with the provisions of this act, the said board of supervisors is hereby authorized, at any meeting of said board, to levy a tax of not to exceed one mill on the dollar of the taxable real and personal property of said county, in any one year, for the purpose of defraying the expenses of said fair, which tax shall be collected and paid to the treasurer of the county in the same manner that other county taxes are collected and paid. Levy and collection of tax.

SEC. 3. If the said board of supervisors of the county of Mecosta, at any meeting of said board, shall determine that a fair shall be held in said county in the year nineteen hundred seven, said board is hereby authorized and empowered to appropriate from any moneys in the treasury of said county a sum sufficient to defray the expense of holding said fair, not exceeding, however, the amount herein authorized to be raised by taxation therefor. The board of supervisors of said county shall levy a tax upon all of the taxable real and personal property of said county to reimburse the treasury of said county for the money so appropriated, said tax to be levied in the year nineteen hundred seven. Appropriation for fair in 1907.

Tax to reimburse treasury.

This act is ordered to take immediate effect.

Approved April 11, 1907.

[No. 477.]

AN ACT to enable the board of supervisors of Ionia county to submit to the electors of said county at a special election to be held on the twenty-seventh day of April, nineteen hundred seven, the question of borrowing or raising by tax, upon such county, any sums of money necessary to purchase for the use of said county any real estate necessary for the erection of buildings for the support of the poor of such county, and for a farm to be used in connection therewith, and for the purpose of erecting buildings for poor houses.

*The People of the State of Michigan enact:*

County farm:  
when may sub-  
mit question.

SECTION 1. The board of supervisors of Ionia county may submit to the electors of such county at the special election to be held in said county on the twenty-seventh day of April, nineteen hundred seven, the question of borrowing or raising by tax upon said county, any sums of money necessary to purchase for the use of said county any real estate necessary for the erection of buildings for the support of the poor of such county, and for a farm to be used in connection therewith, and for the purpose of erecting the necessary buildings for poor houses, and for any of such purposes.

Supervisors,  
duty of in  
submitting  
question.

SEC. 2. The said board of supervisors, after having determined the sum necessary to be raised and whether by loan or by tax, shall proceed to give notice of such determination and of the time when the question will be submitted to the electors of said county in the several townships and wards, which shall be posted in three public places in each township and in each ward of any city in said county at least eight days previous to the time fixed for the submission aforesaid, and shall cause the same to be published in at least four newspapers, printed, published and circulating in said county, for at least one insertion previous to said election.

Form of ballot.

SEC. 3. The form of ballot and voting thereon, and the proceedings of such election, shall be according to act number one hundred fifty-six of the session laws for the year eighteen hundred fifty-one, and the acts amendatory thereto, and the general laws of the State, as required in voting upon constitutional amendments, so far as applicable thereto and not inconsistent herewith.

This act is ordered to take immediate effect.

Approved April 16, 1907.

[No. 478.]

AN ACT to amend section three of act number seventy-five of the public acts of Michigan for the year eighteen hundred forty-nine, entitled "An act to enlarge the powers and increase the number of officers in school district number four in the township of Ypsilanti," approved March twelve, eighteen hundred forty-nine, and to repeal section eight of act number three hundred eight of local acts of Michigan for the year eighteen hundred sixty-seven, entitled "An act to regulate the manner of electing the trustees composing the district board of school district number four in the city and township of Ypsilanti, and to define the qualifications of electors therefor," approved March nine, eighteen hundred sixty-seven.

*The People of the State of Michigan enact:*

SECTION 1. Section three of act number seventy-five of the public acts of Michigan for the year eighteen hundred forty-nine, entitled "An act to enlarge the powers and increase the number of officers in school district four, in the township of Ypsilanti," approved March twelve, eighteen hundred forty-nine, is hereby amended to read as follows: Section amended.

SEC. 3. The annual meeting of said district for the transaction of the business thereof, including the election of trustees, shall be held on the second Monday in July in each year. The school year shall commence on that day, and the trustees and other officers of the district shall date their terms of office from the said second Monday in July and hold the same until their successors are elected and qualified: Annual meeting.  
*Provided*, Each member of the present board of trustees shall hold his office until the second Monday in July of the year following the date that his term of office would otherwise expire. School year; term of office.

SEC. 2. Section number eight of act number three hundred eight of the local acts of Michigan for the year eighteen hundred sixty-seven, entitled "An act to regulate the manner of electing the trustees composing the district board of school district number four in the city and township of Ypsilanti, and to define the qualifications of electors therefor," approved March nine, eighteen hundred sixty-seven, is hereby repealed. Proviso.

This act is ordered to take immediate effect.

Approved April 17, 1907.

[No. 479.]

AN ACT to provide for changing the time for election of a county road commissioner for the county of Chippewa, and to prescribe the powers and duties of said commissioner.

*The People of the State of Michigan enact:*

County road  
commissioner;  
when elected,  
term, etc.

SECTION 1. The board of road commissioners of the county of Chippewa shall hereafter consist of but one commissioner, who shall be elected by the qualified electors of said county at the general election to be held on the Tuesday succeeding the first Monday in November in the year nineteen hundred eight and every second year thereafter, and shall hold his office for a term of two years from and after the first day of January then next ensuing, and until his successor is elected and qualified.

Powers and  
duties  
specified.

SEC. 2. Said commissioner shall have all the powers of, and shall be required to perform all the duties specified to be performed by boards of road commissioners, as specified in act number one hundred forty-nine of the public acts of eighteen hundred ninety-three, entitled "An act to provide for a county and township system of roads and to prescribe the powers and duties of the officers having charge thereof," as amended by act number ninety-eight of the public acts of eighteen hundred ninety-nine, and may employ such assistance and disburse such compensation therefor as may be necessary for the proper discharge of the clerical duties required by said acts to be performed.

Vacancy.

SEC. 3. In case a vacancy shall occur in the office of county road commissioner, the board of supervisors of said county may appoint a commissioner to fill such vacancy, who shall hold his said office for the unexpired term caused by such vacancy, and until his successor is elected and qualified.

Present  
county road  
commissioner.

SEC. 4. The present county road commissioner shall be continued in office for the term for which he was elected and until his successor is elected and qualified.

Repealing  
clause.

SEC. 5. All acts or parts of acts inconsistent with this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 17, 1907.

[No. 480.]

AN ACT to provide for the payment of salaries to the sheriff, under-sheriff, clerk, treasurer, register of deeds and deputies of said officers of Washtenaw county, State of Michigan, and to provide for the collection of all fees and payment of the same to the county treasurer.

*The People of the State of Michigan enact:*

SECTION 1. The board of supervisors of Washtenaw county, Michigan, is hereby empowered to pay to the sheriff, under-sheriff, county clerk, county treasurer, register of deeds and such deputies of said officers as the board of supervisors may allow, out of the county treasury, such annual salary as the board of supervisors may determine, as hereinafter provided. Such salaries shall be fixed and determined by said board at its annual meeting in October, nineteen hundred eight, and at every October meeting thereafter immediately prior to the general November election at which said officers are elected, and the said salaries, when so fixed, shall not go into effect until the first day of the new year thereafter, and such compensation shall be in full for all services for which the county may be liable and in lieu of all fees which are fixed by law or otherwise.

May allow  
salary to  
county  
officers.

When  
determined.

SEC. 2. The sheriff, under-sheriff and deputy sheriffs who receive a salary shall collect and make itemized statements of all fees required by law for the service of any process other than that of the county, which said fees shall be paid by them when collected to the county treasurer on or before the last day of each month, taking duplicate receipts therefor. The county treasurer, county clerk and register of deeds shall collect all fees required by law and make out an itemized statement of the same and pay the same to the county treasurer on or before the last day of each month, taking duplicate receipts therefor.

County  
officers to  
itemize fees  
collected, etc.

SEC. 3. The annual salary as provided by this act shall not be less than two thousand five hundred dollars, nor more than three thousand dollars for sheriff; for under-sheriff not less than eight hundred dollars nor more than one thousand dollars; for one deputy sheriff not less than six hundred dollars nor more than one thousand dollars, and for additional deputy sheriffs such compensation as the board of supervisors may provide; for county treasurer not less than eighteen hundred dollars nor more than two thousand dollars; for county clerk not less than eighteen hundred dollars nor more than two thousand dollars; for register of deeds not less than eighteen hundred dollars nor more than two thousand dollars, and for the deputies of the three last named officers, not less than six hundred dollars nor more than one thousand dollars each. The

Salaries  
limited.

Paid monthly.

salaries aforesaid shall be paid monthly by the county treasurer, upon a warrant issued by the county clerk, but not until the itemized statement of all fees collected and paid over to the county treasurer, as aforesaid, has been sworn to and filed with the county treasurer and a duplicate of the receipt thereof filed with the county clerk.

Money, how credited.

SEC. 4. All money received by the county treasurer by virtue of this act shall be credited to the general fund of the county.

Appointment of under sheriff, etc., compensation.

SEC. 5. The sheriff shall appoint one under-sheriff and one deputy sheriff and may, in his discretion, appoint additional deputy sheriffs, but the board of supervisors is hereby empowered to make rules and regulations or otherwise to fix and determine the manner and amount of such additional deputy sheriff's compensation. The board of supervisors is also hereby empowered to make contracts with the sheriff for the board and laundry of the prisoners lodged in the county jail; also, to provide for all printing, stationery, postage, purchase of books, records and other papers and things necessary for the public service; and the board of county auditors is hereby empowered to hear, determine and allow the claims of the sheriff and his deputies and under-sheriff, who receive a salary by virtue of this act, for any money actually expended by them in pursuance of their official duties, the same as other claims against the county.

Contracts for board and laundry.

Printing, stationery, etc.

Salaries fixed in case board neglects, etc.

SEC. 6. It is hereby provided that in the event the board of supervisors shall neglect or fail to fix and determine the salaries of the respective officers herein mentioned, then and in that event the annual salary of the sheriff, under-sheriff, county clerk, county treasurer and register of deeds is hereby fixed at the maximum sum mentioned in this act and to begin on the first day of January, nineteen hundred nine, and the annual salary of the said one deputy sheriff and the deputies of the other officers mentioned herein, is hereby fixed at the minimum sum mentioned in this act beginning on the first day of January, nineteen hundred nine. And it is further provided that this act shall be so construed as to require the sheriff, under-sheriff and said one deputy sheriff to perform all reasonable services within the jurisdiction of their offices for which the county may be liable and to serve and execute all civil writs and processes that may be reasonably served and executed by said officers under salary. And it is further provided that if the board of supervisors shall fail or neglect to fix and determine the salary or manner and amount of compensation of said additional deputy sheriffs, if any are appointed, then said additional deputy sheriffs shall receive such fees and perquisites for services performed by them as is provided by law, and if said services are performed in behalf of the county the claim therefor shall be audited and allowed by the board of county auditors, and if it shall appear to said

Further proviso, services required of sheriff, etc.

Further proviso, additional deputy sheriff's salary.



board of county auditors that the services rendered in behalf of the county by any deputy sheriff not under salary could have been reasonably performed by officers under salary, or if it shall appear that any deputy sheriff not under salary has served and executed civil writs and processes that might reasonably have been served and executed by said officers under salary, then it shall be the duty of said board of auditors to set off against any claim or claims presented to it for allowance by the sheriff of Washtenaw county, any claim or claims allowed to any deputy sheriff not under salary for services in behalf of the county which might have been reasonably performed by officers under salary; also, the amount of such fees and perquisites for the services of civil writs and processes that might have been reasonably served and executed by officers under salary. And the said board of county auditors is hereby empowered to be the sole judge of such services as might be reasonably performed by said officers under salary, and from its decision there shall be no appeal.

SEC. 7. The question of the adoption of the provisions of this act shall be submitted to the people of Washtenaw county at the election to be held on the first Monday in April, nineteen hundred eight; and the sheriff of said county is hereby required to give like notice of the same as he is required to give to the several wards and townships at the annual April election. Suitable ballot boxes shall be prepared for the reception of the ballots cast on said proposition in the several townships, wards and precincts in said county. The form of the ballots to be used shall be the following:

"To place county officers on a salary, Yes, ( )"

"To place county officers on a salary, No, ( )"

The said ballots shall be furnished, prepared and distributed in the same manner as the other ballots used at such election, and the several boards of election inspectors shall see to it that the same are furnished to the electors in the same manner as other ballots are furnished. Said ballots shall be counted, canvassed and returned the same as other ballots cast at the election. If a majority of all the ballots cast on said proposition by the electors of said county, shall be in the affirmative, then the provisions of this act shall be in full force and effect in said county, otherwise not.

SEC. 8. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Approved April 17, 1907.

Question,  
when  
submitted.

Notice.

Form of  
ballot.

Canvass and  
return.

Repealing  
clause.

[No. 481.]

AN ACT to create and govern school district number eight fractional of the township of Dayton, Tuscola county, and the townships of Rich and Burlington, Lapeer county.

*The People of the State of Michigan enact:*

Territory  
organized into  
school district.

SECTION 1. The following described lands, to wit: The south half of section thirty-six; the south half of section thirty-five; the east half of the southeast quarter of section thirty-four; the east fifty acres of the south one hundred acres of the northeast quarter of section thirty-four; the west half of the southeast quarter of section thirty-four; the west fifty acres of the south one hundred acres of the northeast quarter of section thirty-four, all being in town eleven north, range ten east; and the east half of section one; the northwest quarter of section one; the northeast quarter of section two, all in town ten north, range ten east; and the northwest quarter of section six, town ten north, range eleven east, is hereby detached from the school districts to which said descriptions of land now respectively belong, and the said foregoing described territory is hereby organized into a school district to be known as school district number eight fractional of Dayton township, Tuscola county, and Rich and Burlington townships, Lapeer county.

Notice of for-  
mation and  
first school  
meeting.

SEC. 2. It shall be the duty of the clerk of the township of Dayton to deliver to a taxable inhabitant of said district on or before May first, nineteen hundred seven, a notice in writing of the formation of said district, describing its boundaries and specifying the time and place of the first school meeting of said school district, which time shall not be later than twenty days from the date of such notice; and a copy of said notice, with the certification of such delivery, shall be entered upon the records of the township by the said township clerk. The said notice shall also direct such inhabitant to notify every qualified voter of said district either personally, or by leaving a written notice at his place of residence, of the time and place of such school meeting, at least five days before the time appointed therefor, and said inhabitant shall make a return in writing of the notices so served, the names of the persons so served, together with the dates of service to the chairman of said first school meeting, and said chairman shall deliver the same to the director chosen at said first meeting of said school district, and all the notices and returns and other acts in the organization of said district shall be spread at length upon the records thereof.

Service and  
return of.

Officers  
elected at  
first meeting.

SEC. 3. At the first meeting in said district there shall be elected by ballot a moderator for a term of three years,

a director for a term of two years, and a treasurer for a term of one year, and on the expiration of their respective terms of office and regularly thereafter at the annual school meeting their several successors shall be elected in like manner for a term of three years each. The time intervening between the first meeting of said school district and the first annual meeting thereafter shall be reckoned as one year.

Year defined.

SEC. 4. The annual meeting of said school district shall be held on the second Monday in July in each year, and the trustees and officers of the district shall date their terms of office from said date. The school year shall commence on the second Monday in July of each year.

Annual meeting.

School year.

SEC. 5. Said school district may, at any annual or special school meeting, by a majority vote of the qualified voters present, organize as a graded school district: *Provided*, That the intention to take such vote shall be expressed on the notice of such annual or special meeting. Immediately after such change in the organization of the district shall have been voted, the qualified voters present at such annual or special meeting shall proceed to elect by ballot from those qualified under the general school laws to hold district office, one trustee for a term of one year, two for a term of two years, and two for a term of three years, and annually thereafter a successor or successors to the trustee or trustees whose term of office shall expire: *Provided*, That in the election of trustees the person receiving a majority of all the votes cast shall be declared elected. Said trustees shall constitute the board of education for such district and shall organize and conduct the affairs of the district in accordance with the general school laws governing graded school districts, and said district shall be governed by the provisions of the general school laws of the State in all matters not specifically provided for in this act, and the director of the district or secretary of the board of education shall make his annual report to the clerk of Dayton township.

May organize graded school district.

Proviso, notice.

Election of trustees.

Proviso.

Board of education.

SEC. 6. The clerks of the several townships from which said district number eight fractional is formed shall report to the clerk of Dayton township the amounts of money collected within their respective townships for said school district, immediately after the collection of the receipt of any moneys belonging in the school funds, and the clerk of Dayton township shall notify the treasurer of Dayton township who shall forthwith collect the same.

Clerks to report.

SEC. 7. Any person who shall neglect or refuse to perform the duties imposed upon him by this act shall be liable to a fine of not more than one hundred dollars or imprisonment for not more than ninety days in the county jail. All prosecution for any violation of this act shall be commenced and prosecuted in the county of Tuscola.

Fine for neglect, etc.

Prosecution, where commenced.

SEC. 8. The joint boards of school inspectors of the townships of Dayton in Tuscola county and Rich and Bur-

Authority to change boundaries.

lington in Lapeer county, shall have authority to change the boundaries of said school district number eight fractional, by adding territory thereto at any time upon the consent of the school board or board of education of said school district number eight fractional.

This act is ordered to take immediate effect.

Approved April 17, 1907.

[No. 482.]

AN ACT to amend section seven of chapter XXI of house enrolled act number eighty-eight, approved March twenty, nineteen hundred seven, entitled "An act to reincorporate the city of Hastings, and to repeal all acts and parts of acts inconsistent herewith."

*The People of the State of Michigan enact:*

Section<sup>1</sup> amended.

SECTION 1. Section seven of chapter XXI of house enrolled act number eighty-eight of nineteen hundred seven, entitled "An act to reincorporate the city of Hastings, and to repeal all acts and parts of acts inconsistent herewith," is amended to read as follows:

When order made for jury.

Jury, how selected.

Summons.

Practice and proceedings.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the probate court shall make an order that a jury be impaneled in the case. Such jury shall be composed of twelve freeholders of the city, and shall be selected and impaneled as follows: The city marshal or any constable or any member of the police force of the city shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of the city, and the city attorney and the respondents shall each have the right to strike six names from the list of persons written down, as aforesaid, and subject to the objection for cause; the twelve men whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at no less than three nor more than ten days from the date of selecting such jury, by a venire issued by him and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the probate judge, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this

chapter, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justices' courts relative to jurors in civil cases in such courts.

This act is ordered to take immediate effect.

Approved April 17, 1907.

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[No. 483.]

AN ACT to repeal act number four hundred seventy of the local acts of nineteen hundred one, entitled "An act to provide for the holding of primaries in the county of Kent, and to punish frauds thereat, and by delegates elected thereat, and the corruption and attempted corruption of such delegates."

*The People of the State of Michigan enact:*

SECTION 1. Act number four hundred seventy of the local acts of nineteen hundred one, entitled "An act to provide for the holding of primaries in the county of Kent, and to punish frauds thereat, and by delegates elected thereat, and the corruption and attempted corruption of such delegates," is hereby repealed. Act repealed.

Approved April 17, 1907.

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[No. 484.]

AN ACT to provide a probate register for Chippewa county, and to fix his compensation.

*The People of the State of Michigan enact:*

SECTION 1. The judge of probate of Chippewa county shall have power to appoint a probate register for said county, who shall receive an annual salary of six hundred dollars, to be paid monthly out of any money in the county treasury of said county not otherwise appropriated. Said register shall have power to receive all petitions and fix the time for all hearings and do all other acts required of the judge of probate, except judicial acts. The said register shall hold office during the term for which the judge of probate Probate register, salary.  
Power.  
Term.

appointing him shall have been elected, unless sooner removed by the judge of probate.

This act is ordered to take immediate effect.

Approved April 17, 1907.

[No. 485.]

AN ACT to incorporate the village of Posen, in the county of Presque Isle.

*The People of the State of Michigan enact:*

Territory  
incorporated.

SECTION 1. All that territory situated in the township of Posen, county of Presque Isle and State of Michigan, and described as follows, viz.: The southeast quarter of section nine, and the southwest quarter of section ten, and the northeast quarter of section sixteen, and the northwest quarter of section fifteen, all in township thirty-three north, range six east, including one square mile of territory according to the United States survey thereof, said territory including the recorded plat of the village of Posen and all subdivisions thereof, is hereby organized, incorporated, made and constituted a village by the name of Posen.

Body  
corporate.

SEC. 2. The inhabitants of said village shall be and constitute a body corporate and politic, to be known and distinguished by the name and title of the village of Posen, and the said village shall be vested with all the powers and privileges, and subject to all the restrictions and liabilities, of villages organized under an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and all acts amendatory thereof or in addition thereto.

Act governing.

First election.

SEC. 3. The first election of officers for said village shall be held on the first Monday in May, nineteen hundred seven, at Frank Bronikowski's hall, situated in said village.

Board of  
registration  
and election.

SEC. 4. A. H. Adams, John Szatkowski, Martin Krawczak and John Benski are hereby constituted the board of registration and election for the purpose of registering voters for the first election to be held in said village, and of acting as inspectors of election at said first election, and the said board of registration is hereby directed to meet on the Saturday preceding the said first Monday in May, in the year nineteen hundred seven, in Frank Bronikowski's hall, said village of Posen, and register the names of all persons, residents of said village, presenting themselves for registration, and having the qualifications of voters under the constitution and laws of the State of Michigan.

SEC. 5. Notices of said first election of officers of said village shall be posted in three of the most public places in said village at least five days before the date of said election, which notice shall be given by said board or registration and election, as provided in section four of this act. Notice given.

SEC. 6. The said village of Posen shall, in all things not herein otherwise provided, be governed by the said act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and the acts amendatory thereof and in addition thereto. Act governing.

SEC. 7. In case the officers of said village are not elected at the time designated in section three of this act, the election for such officers may be held at any time prior to the second Monday in March, nineteen hundred eight, notice thereof being given as provided in section five of this act. In case officers not elected.

This act is ordered to take immediate effect.

Approved April 17, 1907.

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[No. 486.]

AN ACT to amend sections one and three of chapter one of "An act to incorporate the city of Flint, and to repeal all acts and parts of acts inconsistent herewith," approved March twenty-one, nineteen hundred one, as amended by act number three hundred seventy-two of local acts of nineteen hundred three, as amended by act number four hundred twenty, local acts of nineteen hundred five, and the other acts amendatory thereof.

*The People of the State of Michigan enact:*

SECTION 1. Sections one and three of chapter one of an act, entitled "An act to incorporate the city of Flint, and to repeal all acts and parts of acts inconsistent herewith," approved March twenty-one, nineteen hundred one, as amended by act number three hundred seventy-two of local acts of nineteen hundred three, as amended by act number four hundred two, local acts of nineteen hundred five, and the other acts amendatory thereof, are hereby amended to read as follows: Sections amended.

SECTION 1. The district of country, in the county of Genesee and State of Michigan, hereinafter particularly described, is hereby constituted and declared to be a city by the name of "The City of Flint," and subject to the municipal government of said city, said district of country being bounded as follows: Commencing at the northeasterly corner of Oak Park subdivision of part of sections one and two of Smith's reservation in said county, as platted and recorded; running thence north- City boundaries.

westerly along the north line of said Oak Park subdivision to the Saginaw road, so-called; thence across said Saginaw road to the north line of the south half of section one of said Smith's reservation; thence northwesterly along said north line of the south half of said section one of said reservation to the northwesterly corner of said south half of said section one; thence southwesterly along the westerly line of said south half of said section one and along the westerly line of section two of said Smith's reservation to the southwesterly corner thereof; thence along the westerly lines of sub-lots three and eleven of Payne's replat of sections three, four and other sections of said reservation, to the Flint river; thence to the northwesterly corner of Glenwood cemetery; thence along the westerly line of said cemetery to the Northern Wagon Road, so-called; thence eastward along the north line of said road to a point opposite the northwesterly corner of lot ten of Thayer and Wright's out-lots to the city of Flint; thence across said road to said corner; thence southerly along the westerly line of said lot ten to its intersection with the northerly line of Wright's subdivision of Thayer and Wright's out-lots to the city of Flint; thence easterly on said last named line to its intersection with the division line between sections eight and nine of Smith's reservation; thence southerly along the said last named line to the Torrey road, so-called; thence eastward along the northerly line of said Torrey road to the west line of town seven north of range seven east; thence southward along the said last named line to the south line of the north half of the north half of section nineteen of said town; thence east along said last named line to the west line of section twenty of said town; thence north along the west line of section twenty of said town to the northerly line of the Thread Mill Pond, so-called; thence easterly along the northerly line of said Thread Mill Pond to a point on such line twelve rods west of the east line of the northwest one-quarter of said section twenty of same town; thence north along a line parallel with the east line of said northwest one-quarter of section twenty, and twelve rods west therefrom, to the north line of said section twenty; thence west to the east line of the west one-half of the southwest fractional one-quarter of section seventeen of same town; thence north along such east line fifteen hundred seven feet to the southerly line of the so-called diverted line of the Grand Trunk Western Railroad; thence westerly along the said southerly line of the diverted line of the Grand Trunk Western Railroad to the west line of said section seventeen; thence north along the west line of said section seventeen to the southeasterly line of said Smith's reservation; thence northeasterly along the southeasterly line of said reservation to the easterly corner thereof; thence northerly along the southeasterly line of said Smith's reservation to the south line of the northeast fractional quarter of the southeast fractional quarter of section seven, in said township of Bur-



ton; thence east along said south line and the south line of northwest quarter of the southwest quarter of section eight, in said township of Burton, to the southeast corner thereon; thence north along the east line of said northwest quarter of southwest quarter of section eight to the south line of the right of way of the Grand Trunk Western Railroad to the lowest depression in the Gilkey creek, so-called; thence northwesterly, following the general course of the said Gilkey creek in the lowest depression thereof, to the easterly line of the Richfield road, so-called; thence southerly along said easterly line of said Richfield road to a point opposite the easterly corner of Thayer and Stewart's addition to the city of Flint; thence across said road to said corner; thence westerly along the northerly line of said addition to the east bank of Flint river; thence northerly along the east bank of said river, following the meanderings thereof, to a point opposite the north-easterly corner of said Oak Park sub-division; and thence across said river to the place of beginning.

SEC. 3. Said city is hereby divided into six wards, as follows, to wit: Six wards.

The first ward shall embrace all that portion of the city lying east of the center line of Detroit street south of Root street, and east of the center line of Root street and the center line of Root street extended in the same direction, to the northern limits of said city, and north and west of the middle of Flint river; First.

The second ward shall embrace all that portion of the city lying south of the middle of Flint river and east of the center line of Saginaw street north of Second street, and north of the center line of Second street west of Clifford street and east of the center line of Clifford street north of Court street and south of Second street, and north of the center line of Court street east of Clifford street; Second.

The third ward shall embrace all that portion of the city south of the middle of Flint river and west of the center line of Saginaw street and Saginaw road and east of the west line of the Fentonville road and the middle of Thread creek north of said road; Third.

The fourth ward shall embrace all that portion of the city west of the third ward and south of the middle of Flint river; Fourth.

The fifth ward shall embrace all that portion of the city north of the middle of Flint river and west of the center line of Detroit street south of Root street, and west of the center line of Root street and said center line of Root street extended in the same direction to the northern limits of said city; Fifth.

The sixth ward shall embrace all that portion of the city lying east of the center line of the Saginaw road and Saginaw street south of Second street and south of the center line of Second street west of Clifford street, and west of the center line of Clifford street north of Court street and south of Second street, and south of the center line of Court street Sixth.

east of Clifford street, including the following described territory: Beginning at a point where the west line of section twenty of township seven north of range seven east intersects the northerly line of the Thread Mill Pond, so-called, and running thence easterly along the northerly line of said Thread Mill Pond to a point on such line twelve rods west of the east line of the northwest one-quarter of said section twenty of same town; thence north along a line parallel with the east line of said northwest one-quarter of section twenty, and twelve rods west therefrom, to the north line of said section twenty; thence west to the east line of the west one-half of the southwest fractional one-quarter of section seventeen of same town; thence north along such east line fifteen hundred seven feet to the southerly line of the so-called diverted line of the Grand Trunk Western Railroad; thence westerly along said southerly line of the diverted line of the Grand Trunk Western Railroad to the west line of said section seventeen; thence south along the west line of said sections seventeen and twenty to the northerly line of said Thread Mill Pond to the place of beginning.

This act is ordered to take immediate effect.

Approved April 17, 1907.

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[No. 487.]

AN ACT to amend section one of chapter thirteen, section nine of chapter fourteen, section three of chapter nineteen and section twenty-three of chapter twenty-six of an act, entitled "An act to incorporate the city of Flint, and to repeal all acts and parts of acts inconsistent herewith," approved March twenty-one, nineteen hundred one, as amended by act number three hundred seventy-two of the local acts of nineteen hundred three, as amended by act number four hundred twenty of the local acts of nineteen hundred five, as amended by senate enrolled acts numbers eleven and fourteen of the session of nineteen hundred seven, and to add thereto one section to stand as section eighteen, chapter fourteen, also one section to stand as section ten of chapter nineteen and to add one new chapter thereto to stand as chapter thirty, and to repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

SECTION 1. Section one of chapter thirteen, section nine of chapter fourteen, section three of chapter nineteen and section twenty-three of chapter twenty-six of an act, entitled "An act to incorporate the city of Flint, and to repeal all

acts and parts of acts inconsistent herewith," approved March twenty-one, nineteen hundred one, as amended by act number three hundred seventy-two of the local acts of nineteen hundred three, as amended by act number four hundred twenty of the local acts of nineteen hundred five, as amended by senate enrolled acts numbers eleven and fourteen of the session of nineteen hundred seven, are hereby amended so as to read as hereinafter set forth; one section is hereby added to chapter fourteen to stand as section eighteen, also one section is hereby added to chapter nineteen to stand as section ten, and one new chapter is added to said act to stand as chapter thirty, said added sections and chapter to read as follows:

### CHAPTER XIII.

SECTION 1. The mayor and aldermen of said city of Flint shall be paid one hundred dollars each per annum. The city treasurer shall receive such fees as shall be provided by law or ordinance for the collection of taxes or assessments, which shall be in full payment for all services as such treasurer. The supervisors and members of the board of assessors shall receive for their services as assessors, two dollars per day for the time actually spent, and all members of the board of review shall receive two dollars per day as compensation. The compensation of all appointed officers and of all officers and employes in all departments of said city government shall be such as the common council may from time to time fix and determine, all salaries to be paid monthly or quarterly, as the common council may determine: *Provided*, That the salaries of mayor and aldermen may be increased to a sum not exceeding three hundred dollars each per annum, when such increase shall be authorized by a majority vote of the electors of the city voting on such question at any regular or special election in said city.

City officers:  
compensation  
of.

Proviso,  
increase.

### CHAPTER XIV.

SEC. 9. Whenever the common council shall by resolution determine that it is expedient for said city to issue bonds to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying said city and the inhabitants thereof, or either, with water or with electric lights or gas, or to construct suitable buildings for a city hall or fire station and to furnish and equip the same, or to defray the expense of pavements, sewers or other public works, the council shall direct the city engineer to cause to be made and recorded in the clerk's office an estimate of the expense thereof, and he shall submit the same to the common council;

Bonds for  
water, light-  
ing, etc.

Question  
submitted.

Proviso,  
who qualified  
voters.

Time and  
place of  
payment.

Interest.

Proviso,  
water  
extensions.

Further  
proviso, limit  
of bonds for  
city hall, etc.

Further  
proviso,  
bonded in-  
debtedness  
limited.

Authority to  
grant  
franchises.

Proviso,  
telephone  
rental.

the question of bonding said city for said purpose shall be submitted to the taxpaying electors of the city at its annual or at any regular election or at a special election called for that purpose by the council, as provided in section three of chapter nineteen of said act, and shall be determined as the majority of the taxpaying electors, voting upon such question by ballot, shall decide: *Provided*, That every citizen of the age of twenty-one years, who has property assessed for city taxes within the limits of the city of Flint, and who has resided therein three months next preceding any election held in said city for the purpose of voting on a question of raising money or issuing bonds, shall be a qualified voter at such election to vote on all questions involving the issuing of bonds or raising money in said city. The council shall have power to fix the time and place of payment of the principal and interest of the debt or debts contracted under the provisions of this section, but the rate of such interest shall not exceed five per cent. per annum, and such bonds shall not be sold for less than their par value, and all bonds hereafter to be issued by the city of Flint, for the raising of money for any purpose whatever, shall be exempt from any and all local city taxation under the laws of the State of Michigan: *Provided, however*, That the common council may issue bonds in an amount not exceeding five thousand dollars in any one year for the purpose of raising money to provide for extensions of the water works system now owned by the city of Flint, whenever such extensions shall be recommended by the board of water commissioners upon their estimate, showing that such water works extensions will yield an annual revenue of not less than six per cent. of the cost thereof: *Provided, further*, That the amount of bonds to be issued for the erection and equipping of a city hall and fire station shall at no time exceed the sum of one hundred thousand dollars: And, *Provided, further*, That the total bonded indebtedness of the city of Flint, exclusive of school bonds, shall at no time exceed five per cent. of the assessed valuation of the property, real and personal, in said city.

SEC. 18. The common council shall have authority to grant franchises to street railway companies, gas light companies and other public service companies and corporations, for a period of thirty years or less, and to regulate the occupation of streets, alleys and public places by the same, and not oftener than once in three years, to fix reasonable maximum rates to be charged to the public by all public service companies and corporations, within the limits of said city, and to make such other reasonable regulations appertaining to such street railway companies, gas light companies and other public service companies and corporations, as the common council may deem necessary: *Provided, however*, That the rates charged for the rental of telephones shall not be so fixed at less than the rates telephone companies were charging

for such instruments in the city of Flint on the fifteenth day of March, nineteen hundred seven.

## CHAPTER XIX.

Sec. 3. Whenever the common council shall deem it necessary to raise a greater sum in any one year, exclusive of school taxes, than the amount specified and limited in the preceding section, they may call a special election of the taxpaying electors of said city, by notice published in the newspapers published in said city not less than eight days previous to such election, which notice shall state the time and place of such election and the purpose for which the money to be raised is to be expended: *Provided*, That every citizen of the age of twenty-one years, who has property assessed for city taxes within the limits of the city of Flint and who has resided therein three months next preceding any election held in said city for the purpose of voting on a question of raising money or issuing bonds, shall be a qualified voter at such election to vote on all questions involving the issuing of bonds or raising money in said city; and the electors voting at such election in pursuance of said notice shall, by ballot in such manner as the common council may by ordinance or by law prescribe, determine what amount of money shall be raised for each object specified in the notice: *Provided*, That the tax also voted by the electors shall not in any year exceed one per cent. upon the valuation of the real and personal property taxable within said city: *Provided, also*, That not more than two such special elections shall be called in any one year: And, *Provided, further*, That the expense of publication of each notice in each newspaper shall not exceed seventy cents per folio for the first insertion and thirty-five cents per folio for the second insertion, and it need not be published except in such newspapers in said city as will publish it for the price above specified.

When greater sum to be raised; special election.

Proviso, qualifications of voter.

Proviso, tax voted not to exceed one per cent.

Proviso, special elections limited.

Further proviso, expense of publication.

Sec. 10. If any person offering to vote on a question of issuing bonds or raising money at any election in the city of Flint, called for that purpose, shall be challenged as unqualified by any legal voter in said city, the inspectors of election conducting such election shall declare to the person challenged the qualifications of a voter at such election, and if such person shall state that he is qualified and the challenge shall not be withdrawn, such inspectors shall tender to such person an oath in substance as follows:

Challenges.

"You do swear or affirm that you are a citizen of the United States, that you have been for the past three months an actual resident of the city of Flint, and that you pay a city tax therein;" and all persons taking the oath shall be permitted to vote on the questions of raising money or is-

Form of oath.

Elections for  
raising money:  
how governed.

suing bonds in said city. If any person so challenged shall refuse to take such oath, the vote of such person shall be refused, and any person who shall wilfully take a false oath or make a false affirmation under the provisions of this section, shall be deemed guilty of perjury. All elections hereafter held in said city under any of the provisions of any law now in force or that may hereafter be enacted relative to said city, involving the issuing of bonds or raising money, shall be held at such times and place or places in said city, and upon such notice, not less than eight days, as the common council may by resolution determine, and the method of conducting such elections shall be governed by the provisions of section three thousand six hundred fifty-seven of the Compiled Laws of eighteen hundred ninety-seven, so far as the same shall be applicable.

## CHAPTER XXVI.

Sprinkling of  
streets.

Proviso.

Special  
assessment  
district.

Proviso,  
district to  
continue.

Further  
proviso, may  
borrow in  
anticipation of  
assessment.

SEC. 23. When a petition shall be presented to the common council, asking for the sprinkling with water of any street, lane, alley, highway or avenue, or any part thereof, within the limits of the city of Flint, the common council shall determine, by resolution, as to the necessity of doing such sprinkling, a two-thirds' vote of the aldermen-elect being necessary to determine in favor of the same: *Provided*, That no part of any street, lane or alley, less than the whole traveled portion thereof in width, shall be so sprinkled; and if the common council shall determine in favor of the same or any part thereof, they shall fix the limits of a special assessment district, which shall include the lots and premises fronting, touching or abutting any such street, lane, alley, highway or avenue, proposed to be sprinkled; in the making assessments and in the review and collection of the same to defray the expenses of such sprinkling, the common council shall conform, as near as may be, to the provisions of chapter twenty of the charter of the city of Flint: *Provided*, That after the creation of a special assessment district for sprinkling, such district shall continue as a special assessment district from year to year until the common council shall otherwise direct, and the city clerk shall, from year to year, extend the taxes thereon necessary to pay the expense of such sprinkling, as the common council shall, by resolution, direct: *Provided, further*, That the common council may borrow money from the general fund of the city in anticipation of the collection of the money to be raised by special assessment for sprinkling purposes in any year, the amount so borrowed to be returned to such general fund upon the collection of such special assessments, and not later than March first, after such sum was so borrowed.

## CHAPTER XXX.

**SECTION 1.** The mayor of the city of Flint shall, on the first Monday of May of the year nineteen hundred seven, or upon the taking effect of this act, appoint a park board to consist of five members, one for one year, one for two years, one for three years, one for four years and one for five years, and he shall annually thereafter on the first Monday of May appoint a member of said board to succeed the member whose term of office shall then expire, to continue for a term of five years, and shall make such appointments of members of said board as may be necessary to fill vacancies caused by deaths, resignation or removal, and all such appointments of said mayor, before the same shall become effective, shall be confirmed by the common council, the members of such board to serve without compensation.

Park board;  
membership,  
term, etc.

Appointments  
to be con-  
firmed by  
council.

**SEC. 2.** Said park board shall, within thirty days after such appointment, and annually thereafter, organize by electing one of its members president, one secretary and one treasurer of said board, and such officers shall furnish and file with the city clerk such bonds, upon such conditions and in such amount and with such sureties as may be approved by the common council, such officers so elected to hold office for one year, or until their successors shall be duly elected and qualified.

To meet  
annually and  
organize.

**SEC. 3.** The park board shall have the control and management and shall have charge of the improvements of all the parks and public grounds of said city, and of such parks and public grounds as may hereafter be acquired, laid out, purchased or dedicated for public use in said city, and shall likewise have the control, management and charge of the improvement and maintenance of any and all boulevards which may at any time be hereafter acquired, laid out, established or located by said city. The authority hereby conferred shall not be construed as giving any charge or control to said park board over and to the improvement of any of the ordinary public streets or alleys.

Power of  
board.

Authority  
construed.

**SEC. 4.** The said park board may make all needful rules and regulations for the management, maintenance and care of said parks, public grounds and boulevards, and regulate their use, and the common council of said city may provide by ordinance for the observance of the same, and may also, in like manner, provide for the observance and enforcement of any other rules and regulations duly made by said park board under any of the provisions of this act, and said common council may by ordinance provide for the preservation and protection of the parks, public grounds and boulevards and any of the property in charge of said park board, against any destruction or injury, and prevent the destruction or injury to or taking of any trees, shrubs, plants, flowers or other

Board to  
make rules  
and regula-  
tions.

Council to  
ordain enforce-  
ment.

things set out, planted or used by said park board in beautifying, improving or ornamenting said parks, public grounds or boulevard, or prevent any disorder or disturbance on or about said parks, public grounds or boulevards or any encroachment thereon, or interference with the quiet and peaceable use and enjoyment of the same for the purposes for which the same are established and maintained. Said ordinances may provide for the punishment for any breach or violation of any of the provisions by like penalties provided for violations of ordinances of said city.

Punishment  
for violation.

Board to  
submit  
estimate.

Report to  
council.

Sum placed  
on general  
tax roll.

Not to exceed  
certain  
amount.

Annual report  
to council.

Clerks, super-  
intendents,  
etc.

Parks and  
boulevards,  
extension of.

Custodian of  
park and  
boulevard  
moneys.

SEC. 5. The park board shall annually, on the first Monday of March, prepare and submit to the common council an estimate of the amount of money that should be raised for the ensuing fiscal year for the purpose of improving and maintaining the grounds under its charge, which estimate shall specify the sums desired for each of the several objects of expenditure, and at the same time make a report to the common council of the amount of revenue and income which it is estimated shall be received during such fiscal year from any source, and the common council of said city may cause to be placed upon the general tax roll and raised by tax, the same as other taxes, such sum as they may think proper to be raised for each of the several objects of expenditure estimated as aforesaid, for the maintenance and improvement of said parks, public grounds and boulevards, and for the payment of any other expenses which said park board, by this act, is authorized to incur; the amount so to be raised by tax in any one year shall not exceed one-tenth of one per cent. of the assessed valuation of the property, real and personal, in the city of Flint.

SEC. 6. The park board shall, on the first Monday of March annually, make a report to the common council of its doings and of the expenditures made by it, and showing the situation and condition of affairs under its control, and the common council may require a report from said park board at any time, and the records, books, papers and accounts of said park board shall at all times be subject to the inspection of the common council or a committee thereof, appointed for that purpose.

SEC. 7. Said park board shall, within the limitations prescribed herein, have authority to employ all necessary clerks, superintendents and employes and fix the salaries therefor.

SEC. 8. The common council of the city of Flint shall, upon the recommendation of the park board, be authorized to purchase or acquire, by condemnation proceedings, all such pieces and parcels of land as may be necessary for the extension of a system of parks and boulevards in said city, and to issue bonds in payment thereof, in conformity with the provisions of section nine of chapter fourteen of the charter of said city of Flint.

SEC. 9. All moneys that may be appropriated by the common council for park or boulevard purposes, and all money



and proceeds of property which may come to said city by purchase, gift, devise, bequest or grant for such purposes shall, as soon as the same shall come into the hands of the city treasurer, be by him paid to the treasurer of the park board, taking duplicate receipts therefor, one of which shall be filed by said city treasurer with the city clerk, and thereafter said moneys shall be used for park and boulevard purposes, as specified in this chapter.

SEC. 10. It shall be the duty of the park board, in extending and improving a system of parks and boulevards, to conform, as near as may be, to the plan of a park and boulevard system, approved and adopted by the common council of said city on the sixth day of August, nineteen hundred six.

Board to conform to system adopted.

SEC. 11. All acts and parts of acts inconsistent herewith are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved April 23, 1907.

[No. 488.]

AN ACT to amend section one of act number three hundred thirty-seven of the local acts of eighteen hundred seventy-seven, entitled "An act to reincorporate the village of Saline in the county of Washtenaw," and to add new territory to said village of Saline.

*The People of the State of Michigan enact:*

SECTION 1. Section one of act number three hundred thirty-seven of the local acts of eighteen hundred seventy-seven, entitled "An act to reincorporate the village of Saline in the county of Washtenaw," and to add new territory to said village of Saline, is amended to read as follows:

Section amended.

SECTION 1. All those tracts of land situate in the townships of Saline, York, Pittsfield and Lodi in the county of Washtenaw and State of Michigan and described as follows, to-wit: The north half and the north half of the south half of section one of the township of Saline, and the west half of the northwest quarter and the west half of the north half of the southwest quarter of section six of the township of York, and the south half of the south half of section thirty-six of the township of Lodi, and the west half of the southwest quarter of section thirty-one of the township of Pittsfield, are hereby incorporated and constituted a village corporate under the name of the village of Saline.

Territory incorporated.

This act is ordered to take immediate effect.

Approved April 23, 1907.

[No. 489.]

AN ACT to incorporate all the territory embraced in Osceola township, Houghton county, Michigan, into a single township school district, which shall be subject to all the provisions of act number one hundred seventy-six of the public acts of the legislature of the State of Michigan of eighteen hundred ninety-one, entitled "An act for the organization of township school districts in the Upper Peninsula," and of the acts amendatory thereof and supplemental thereto.

*The People of the State of Michigan enact:*

"Osceola  
Township  
School Dis-  
trict" organ-  
ized.

SECTION 1. All the territory embraced within Osceola township, Houghton county, Michigan, is organized into and declared and enacted to be a single township school district, which shall be a body corporate under the name and style of "Osceola Township School District," with the same force and effect as if organized under and by virtue of act number one hundred seventy-six of the public acts of the legislature of the State of Michigan of eighteen hundred ninety-one, entitled "An act for the organization of township school districts in the Upper Peninsula," and of the acts amendatory thereof and supplemental thereto, except as herein otherwise provided.

Board of  
education;  
when elected.

SEC. 2. Within ten days from the taking effect of this act, the township board of said township shall give notice, by posting notices thereof in five public places in said township, that on a certain day, and at a certain time and place, to be particularly specified in said notice, not more than ten days from the date thereof, the qualified voters of the township shall proceed to elect from their number, by ballot, officers of said district, consisting of five trustees, who shall constitute the board of education of said district. On the day and at the time and place named in said notice, the qualified voters of said township shall proceed to elect from their number, by ballot, five trustees, who shall hold office until their successors are elected and have qualified.

This act is ordered to take immediate effect.

Approved April 23, 1907.

[No. 490.]

AN ACT to authorize and empower the village of Rochester, Michigan, to regulate the sale of intoxicating liquors within its limits.

*The People of the State of Michigan enact:*

SECTION 1. The council of the village of Rochester, Michigan, may by ordinance prescribe the number and designate the location of places within said village where intoxicating liquors may be sold at retail, and may prohibit the sale of the same at any places within said village, other than those prescribed in said ordinance: *Provided*, That not more than four such places shall be permitted in said village until the population thereof shall have reached the number of twenty-five hundred, according to a State or National census, and thereafter not more than one such place shall be permitted in said village for each additional six hundred population, or major proportion thereof.

Council may prescribe number, etc., of saloons.

Proviso.

SEC. 2. Such ordinance, when so made and adopted by the council of said village, may be in effect under the provisions of this act on and after the first day of May, nineteen hundred seven.

Ordinance, when effective.

SEC. 3. When the council of said village shall pass such ordinance, they may prescribe therein fines, penalties and forfeitures, not exceeding one hundred dollars, or imprisonment not exceeding ninety days in the county jail, or both such fine and imprisonment in the discretion of the court imposing such sentence, together with the costs of prosecution, for each violation of such ordinance, and may provide that the offender on failing to pay such fine, penalty or forfeiture and the cost of prosecution, may be imprisoned for any time not exceeding ninety days, unless payment thereof shall be sooner made.

Council to prescribe penalties, etc.

SEC. 4. Said council may prescribe in said ordinance that each sale of intoxicating liquor in violation of the provisions of such ordinance shall constitute a separate offense.

Each violation, separate offense.

SEC. 5. The provisions of this act shall be cumulative to the powers granted under the act incorporating said village of Rochester, and the laws of this State relating to said village.

Cumulative to certain acts.

SEC. 6. This act shall supersede any law or statutory provision of State, which may conflict with or contravene the provisions of this act: *Provided, however*, That this act shall not affect the general laws of this State, relating to taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating and malt, brewed or fermented liquors and vinous liquors, otherwise than that this act shall be cumu-

Act in force.

Proviso, taxation and regulation not affected.

lative to the provisions of the general laws in so far as the same may relate to the village of Rochester.

Sureties,  
council to  
accept.

SEC. 7. The council of the said village is further authorized and empowered to accept and approve as sureties on such retail liquor dealers' bonds, as may be authorized or permitted to carry on business in said village under the provisions of this act, such surety or guaranty companies as may be authorized to do business in this State.

This act is ordered to take immediate effect.

Approved April 25, 1907.

[No. 491.]

AN ACT to amend section five of act number three hundred eighty-two of the local acts of nineteen hundred three, approved April second, nineteen hundred three, entitled "An act to provide for a stenographer to take and transcribe testimony on examination of persons charged with criminal offenses and at coroner's inquests in the county of Genesee."

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section five of act number three hundred eighty-two of the local acts of nineteen hundred three, approved April second, nineteen hundred three, entitled "An act to provide for a stenographer to take and transcribe testimony on examination of persons charged with criminal offenses and at coroner's inquests in the county of Genesee," is hereby amended to read as follows:

Compensation  
of stenogra-  
pher.

SEC. 5. The stenographer shall receive as compensation for his services, rendered as prescribed in section two of this act, the sum of six hundred dollars per annum, to be paid monthly by the county treasurer of said county of Genesee, and the sum of eight cents per folio for the testimony and proceedings taken and transcribed, but for one copy only, which amount for said transcribed testimony and proceedings shall be paid out of the county treasury upon the presentation of a bill for the same, provided that the prosecuting attorney shall certify thereon that the amount is correct.

This act is ordered to take immediate effect.

Approved April 25, 1907.

## [No. 492.]

AN ACT to authorize the board of supervisors of Delta county to fix the compensation of members of committees of said board in certain cases.

*The People of the State of Michigan enact:*

SECTION 1. The board of supervisors of the county of Delta are hereby authorized to fix the compensation of members of committees for services necessarily performed when the board of supervisors is not in session, at not to exceed the sum of three dollars per day for the time actually and necessarily employed by such members of committees while discharging the duties of any such committee: *Provided*, That nothing herein contained shall be construed to authorize the payment to members of committees of such board compensation for their services as members of such committee while said board of supervisors shall be in session; nor any member of any committee be entitled to payment under the provisions of this act for more than ten days' services any one year as member of such committee.

Authority to fix compensation of committee members.

Proviso, how construed.

This act is ordered to take immediate effect.

Approved April 25, 1907.

## [No. 493.]

AN ACT to amend sections three, four, five, six and seven of local act number four hundred seventy-eight of the State of Michigan for the year nineteen hundred five, approved April nineteen, nineteen hundred five, entitled "An act to provide for the creation of a board of county auditors for the county of Kent, to prescribe the powers and duties of its members and to provide for their compensation."

*The People of the State of Michigan enact:*

SECTION 1. Sections three, four, five, six and seven of local act number four hundred seventy-eight of the State of Michigan for the year nineteen hundred five, approved April nineteen, nineteen hundred five, entitled "An act to provide for the creation of a board of county auditors for the county of Kent, to prescribe the powers and duties of its members and to provide for their compensation," are hereby amended to read as follows:

Sections amended.

SEC. 3. At the first meeting of said board of auditors after the passage of this act, and at the first meeting in each January

Chairman and secretary; duties of.

- thereafter, it shall proceed to elect a chairman and secretary from among its members. The chairman of said board shall, when present, preside over its meetings. The secretary of said board shall, in addition to all such duties as may devolve upon him, keep a record of all business transacted by said board, and minutes of the proceedings of all meetings held, and have charge of all letters, papers and documents. The members of said board shall each receive compensation at the rate of three hundred fifty dollars per annum and six cents per mile one way for each mile actually traveled from their place of residence to said place of meeting. Any two members of said board shall constitute a quorum for the transaction of business.
- Compensation.**
- Quorum.**
- Office of board of auditors.** SEC. 4. The office of the county clerk of Kent county is hereby designated as the office of the board of auditors for the county of Kent, and when said board is not in session the clerk of the county of Kent shall receive, file and be custodian of all books, papers, etc., belonging to or intended for said board, and deliver them on demand to any member of said board. Said board of auditors shall meet for the transaction of business in its office on the first Tuesday and on the third Tuesday of each month, and continue its sessions daily from nine o'clock a. m. to twelve o'clock noon, and from one o'clock p. m. to five o'clock p. m. until pending business shall be disposed of.
- Meetings, when held.**
- Certain claims to be audited before paid.** SEC. 5. No claim against the county of Kent, including all claims and accounts incurred by the county drain commissioners, shall be paid by the treasurer of Kent county until it shall have been duly audited and allowed by the board of auditors, except in case of jury and witness fees, primary school moneys and such other funds as may come into the hands of the county treasurer which are created by and disbursed under special statute relating thereto, and excepting further, payment of the board of supervisors for their services when in session as a board, and on committees of the board of supervisors, the pay to be received by members of the board of supervisors to be paid by the treasurer upon the resolution of said board confirming its pay roll, and payment of a claim authorized by said board of auditors shall be made only by a warrant duly signed by the chairman of the board and countersigned by its secretary: *Provided, however,* That said board may allow the county board of superintendents of the poor a petty cash account not exceeding one hundred dollars, and the sheriff of Kent county a petty cash account not exceeding five hundred dollars. Any violation of this section of the statute shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding two years, or by both such fine and imprisonment in the discretion of the court.
- Proviso, petty cash accounts.**
- Penalty.**
- Power and authority of board.** SEC. 6. The said board of auditors shall have the power and it is hereby expressly authorized and directed:

First, To audit all claims which are chargeable against Kent county, except such claims and accounts as are excepted in section five hereof, and to draw warrants therefor, duly signed by its chairman and countersigned by its secretary, but no warrant shall be drawn or issued by said board except for the amount of a just claim against said county, which has been duly allowed by said board of auditors; Claims, etc.

Second, To purchase such books, stationery, blanks, printed matter and general supplies as shall be necessary for the use of the county and its offices and the circuit courts; Books, stationery, etc.

Third, To have complete and exclusive charge and control of the court house of said county and its contents, and to provide for the maintenance and preservation of the same in an appropriate and suitable manner, and to make such repairs upon said building as shall be necessary: *Provided*, That the cost of all such repairs in any one year shall not exceed the sum of five hundred dollars; Court house.  
Proviso, repairs.

Fourth, To examine the books and accounts as often as once in each year, of the treasurer of Kent county, and the books and accounts of all other county officers, and to enter upon their records a full statement of such accounts and to present to the board of supervisors annually, at their January session, a complete statement of the condition of the finances of the county as shown by the books and accounts of the treasurer of the county. The said board of auditors may, as often, as it deems necessary, require the accounts and vouchers of any county officer to be presented to said board for examination. Whenever any moneys are paid to the county treasurer by any officer or agent of Kent county, such officer or agent shall take a duplicate receipt therefor, which shall be filed forthwith in the office of said board of auditors, and said treasurer shall, at the end of each month and at such other times as may be required by said board, report to said board of auditors all moneys received by him from and after the time of making his last report; Examination of books and accounts.  
Of accounts and vouchers.  
Duplicate receipts.

Fifth, To recommend to the board of supervisors the number of clerks, assistants and other help necessary in the several county offices, and the reasonable compensation for the deputies, clerks and assistants employed therein and in the circuit courts when not otherwise provided by law; Number and compensation of clerks, etc.

Sixth, To require any county officer to make a report under oath and in writing on any subject or matter connected with the duties of his office. Any person violating the provisions of this subdivision shall, on conviction thereof, be punished as in section five hereof; Report under oath.  
Penalty.

Seventh, To approve all official bonds in which the county may be interested where the approval of such bonds is not otherwise provided by law, and where not otherwise provided by law the board may require any officer, deputy, assistant or clerk to give bonds to the people of the State of Michigan in such sum as it deems reasonable and necessary for the faithful performance of their respective duties; Official bonds.

Testimony as to justness of bills, etc.

Eighth, To summon witnesses, administer oaths to and take the testimony of such witnesses as to the legality or justness of any bill or claim pending before said board;

Publication of claims passed upon.

Ninth, To publish in the official paper of said county, on or before the fourth Tuesday of each month, a statement signed by its secretary, of all claims against the county passed upon by the board during the month, the amount thereof, by whom presented and whether allowed or disallowed in whole or in part;

Annual estimate of receipts and expenditures.

Tenth, To prepare annually, before the second Tuesday in October, a detailed estimate of the necessary expenses of the county for the ensuing calendar year, together with an estimate of the probable receipts of the county from all sources other than taxation. These estimates shall be presented to the board of supervisors at its annual session on the second Tuesday in October, with the recommendation of said board of auditors as to the amount of money necessary to be raised by taxation for the several purposes of county expenditure.

When presented.

Contract, etc.; members not to be interested in.

SEC. 7. No member of said board of auditors shall be, directly or indirectly, interested in any contract with Kent county which may involve the expenditure of any county moneys, or in the sale of supplies to said county or in the performance of any paid services for said county, other than his services as a member of said board of auditors, unless the contract or performance of service shall be authorized by the board of supervisors of said county, and the account therein shall be audited and allowed by said board of supervisors.

This act is ordered to take immediate effect.

Approved April 25, 1907.

[No. 494.]

AN ACT to amend section three of title eight of an act, entitled "An act to revise the charter of Grand Rapids, including therein also, as a part of such charter, the acts controlling the board of education and the board of library commissioners."

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. Section three of title eight of an act, entitled "An act to revise the charter of Grand Rapids, including therein also, as a part of such charter, the acts controlling the board of education and the board of library commissioners," is hereby amended to read as follows:

Compensation of appointive members.

SEC. 3. The appointive members of said board shall each receive at the rate of three dollars per day for actual time necessarily spent in the discharge of the duties of their office



whether attending as members upon the sessions of said board or otherwise; but no account for services by appointive members, other than for attendance upon sessions of the board, shall be paid unless the same shall first be approved by said board: *Provided, however,* That the compensation for any member of said board of public works shall not exceed the sum of two hundred fifty dollars for any one year. Proviso,  
board public  
works.

This act is ordered to take effect May one, nineteen hundred seven.

Approved April 25, 1907.

[No. 495.]

AN ACT to authorize and empower the village of Highland Park, in the county of Wayne, to borrow forty thousand dollars for the purpose of making permanent village improvements and to issue bonds therefor.

*The People of the State of Michigan enact:*

SECTION 1. The village of Highland Park, in the county of Wayne, is hereby authorized and empowered to borrow forty thousand dollars and to secure the repayment thereof to issue bonds therefor, pledging the faith and credit of the village for the payment thereof. Bonds  
authorized.

SEC. 2. Said bonds shall be for the sum of one thousand dollars each and shall be numbered from one to forty inclusive; each bond shall be payable twenty years from the date of issue and each bond shall draw interest at such rate as the village council may determine when issued, not to exceed, however, five per cent per annum, payable annually or semi-annually, as the village council may determine. Style of.

SEC. 3. The proceeds from the sale of such bonds may be used to pay for such permanent village improvements as the village council may from time to time determine: *Provided, however,* That before any bonds shall be issued or improvements made, the council shall first determine by resolution that a public necessity exists for a certain public improvement, naming and specifying the same, and shall cause the village engineer to file with the village clerk for public inspection an estimate of the cost thereof, together with a plan of the work proposed to be done. There shall thereupon be submitted to the electors of the village of Highland Park at any general election or at any special election called for such purpose, provided notice thereof, and of the question to be submitted is given at least ten days prior thereto by posting copies of such notice in five of the most public places of the village, the question: Proceeds, how  
used.  
Proviso,  
improvements  
determined.  
Submission of  
question.

"Shall the village of Highland Park issue improvement bonds to the amount of.....dollars? Yes."

"Shall the village of Highland Park issue improvement bonds to the amount of.....dollars? No."

When issued.

Resubmission.

Referendum  
on each pro-  
posed issue.

Limit of issue.

Proviso,  
balance how  
paid.

Special assess-  
ment district.

Permanent  
improvement  
fund.

Provisions  
applying.

SEC. 4. If, on such special or general election, a majority of the votes cast thereon are in the affirmative thereof, the amount of bonds authorized thereat may be issued and the work proposed may be done, otherwise not. If, on the submission of a proposition, as herein provided, a majority of the votes cast thereon are in the negative thereof, the same or a similar proposition stating the same or a different amount proposed to be raised may thereafter, and as often as the council shall determine, be again submitted, but not within six months of the preceding submission of the same proposition. If, on any such subsequent referendum, a majority of the votes cast thereon are in the affirmative thereof, the proposed bonds may be issued and the proposed work may be done, otherwise not. The same proceedings shall be had for a referendum to the electors on each proposed issue of bonds to pay for each proposed permanent improvement, except that two or more separate improvements may, in the discretion of the council, be combined in one referendum, and in such case the total amount of the estimated costs of the several improvements to be made from such issue shall be stated in the question submitted.

SEC. 5. The aggregate of all bonds issued under this act shall not exceed forty thousand dollars par value, but the council may, in its discretion, expend a larger amount on any one or the aggregate of all permanent improvements proposed to be made: *Provided*, The balance may be lawfully paid out of the general fund or may lawfully be raised by a special assessment to be levied against the lands and premises in a special assessment district to be benefited by the proposed improvement. In case the proposed permanent improvement is of special benefit to the lands or premises in a certain district, the council shall so declare by resolution and shall apportion the expense proposed to be incurred between the permanent improvement fund and such district and shall thereupon proceed to the establishment of a special assessment district and the levy and collection of a special assessment therein to raise the sum apportioned thereto in the manner provided in the general and special acts relative to special assessment district.

SEC. 6. The proceeds from the bonds as issued shall go into a permanent improvement fund and any surplus remaining from the proceeds from the bonds issued for any permanent improvement shall remain in such fund to be held for the payment of any deficit arising from any previous permanent improvement or to apply on some future permanent improvement. In all other respects said bonds shall, when

issued, be brought, in so far as the same is applicable thereto, under the provisions of the general law relating to villages.

This act is ordered to take immediate effect.

Approved April 25, 1907.

[No. 496.]

AN ACT to authorize the village of Farmington, in the county of Oakland and State of Michigan, to borrow money to establish, construct and maintain a system of public sewers in said village, and to issue notes for the payment thereof.

*The People of the State of Michigan enact:*

SECTION 1. The village council of the village of Farmington, in the county of Oakland and State of Michigan, is hereby authorized and empowered to establish, construct and maintain a system of public sewers in said village, and is authorized and empowered to borrow money therefor on the faith and credit of said village and to issue notes of the village to pay for that portion of said work not paid for out of the nineteen hundred seven tax levied, to an amount not exceeding four thousand five hundred dollars. May issue notes for sewer system.

SEC. 2. Said notes shall be due and payable as follows: When due, etc. One thousand one hundred twenty-five dollars in nineteen hundred eight, and the same amount in nineteen hundred nine and nineteen hundred ten, and the balance in nineteen hundred eleven, and shall bear interest at the rate to be fixed by the village council, not to exceed five per cent per annum: Provided, That said notes shall not be negotiated for less Proviso. than their par value.

SEC. 3. The said village council shall have power to raise, Tax levy. by taxation upon the taxable property of said village, such sum or sums of money as shall be necessary and sufficient to pay the principal and interest of said notes as the same shall fall due. Said notes shall be signed by the village president and countersigned by the village clerk.

This act is ordered to take immediate effect.

Approved April 25, 1907.

## [No. 497.]

AN ACT to detach certain territory from the village of Grosse Pointe Farms and attach the same to the village of Grosse Pointe, in the county of Wayne.

*The People of the State of Michigan enact:*

Territory  
detached.

SECTION 1. The following described piece of land in the village of Grosse Pointe Farms, in Wayne county, described as a piece or strip of land, eight feet in width, off the westerly side of the incorporated village of Grosse Pointe Farms, in the county of Wayne, bounded on the easterly side by a line running from the center of Mack avenue in a southerly direction parallel to and eight feet distant from the easterly boundary of the village of Grosse Pointe north of Jefferson avenue and extended to a point in Jefferson avenue where said line intersects the present boundary line between said villages, is hereby detached from and shall cease to be a part of the village of Grosse Pointe Farms, in the county of Wayne, and is hereby attached to and shall hereafter become and be a part of the said village of Grosse Pointe, in said county of Wayne.

Repealing  
clause.

SEC. 2. All acts and parts of acts, in so far as they contravene the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved April 25, 1907.

## [No. 498.]

AN ACT to regulate and license in Allegan village, in addition to the State license for the same, all saloons in which spirituous, fermented and intoxicating liquors are sold as a beverage, and to give to the common council of Allegan village power to regulate and prescribe the location of such saloons, and to limit and restrict the number of saloons or places for the sale of fermented or intoxicating liquors within the said village of Allegan, and to authorize said common council to provide that no license shall be granted to any person for the sale of such liquors unless he be of good moral character.

*The People of the State of Michigan enact:*

Application  
for license.

SECTION 1. It shall be unlawful to keep any saloon or bar in said village, in which spirituous, fermented or intoxicating liquors are sold as a beverage, unless the person desiring to keep such a saloon within said village shall, before entering

upon such business, make an application in writing therefor to the said common council, specifying the location of the building in which he intends to keep such a saloon. Such application shall be accompanied by a recommendation signed by at least six reputable citizens, that the applicant for such license is well known to them and has a good reputation. If, in the opinion of the said common council, such applicant shall not be a person of good moral character, it shall refuse to grant the application for such license.

To be accompanied by recommendation.

SEC. 2. After an application for a license shall have been approved by said common council and before a license shall be issued, said applicant shall pay into the treasury of the village of Allegan, for the use of said village, in addition to the license fee now provided by statute, the sum of five hundred dollars.

Amount of village license.

SEC. 3. Said common council may provide, by resolution, the limits in which saloons for the sale of spirituous, fermented or intoxicating liquors, as a beverage, may be located: "Provided, That nothing herein contained shall be construed to affect the location of saloons existing and doing business in said village at the time of the passage of this act."

Saloon limits.

Provide.

SEC. 4. Any person or persons violating any of the provisions of this act or of any resolution of the said common council, adopted in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than two hundred dollars and cost of prosecution, or by imprisonment in the county jail not less than ten nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

Penalty.

This act is ordered to take immediate effect.

Approved April 25, 1907.

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[No. 499.]

AN ACT authorizing the council of the village of Gaylord, in the county of Otsego and State of Michigan, to license, regulate, restrict and govern the sale of intoxicating liquors within the corporate limits of said village.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the village of Gaylord, in the county of Otsego and State of Michigan, is hereby authorized and empowered to require an annual village license not to exceed five hundred dollars, in addition to the State license for the same, of every person, except druggists, engaged in the business of furnishing, selling or offering for

Village license.

sale at retail any spirituous, intoxicating, malt, brewed, fermented or distilled liquors as a beverage, or any mixture or compound thereof, except proprietary patent medicines, within the corporate limits of said village, and to locate the place or places where such business shall be conducted.

May refuse to  
accept bond.

SEC. 2. The common council of said village of Gaylord is hereby authorized to examine and determine as to the character, habits and fitness of any person or persons wishing to engage in the business of selling intoxicating liquors as a beverage within the corporate limits of said village, and may refuse to accept the bond of such person or persons, if in their judgment the character and habits of such person or persons are such as to render them unfit to conduct such business.

This act is ordered to take immediate effect.

Approved April 25, 1907.

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[No. 500.]

AN ACT to grant the board of trustees of the village of Chelsea, power and authority to limit the number of places in said village where intoxicating liquors are sold as a beverage, to provide therefor by ordinance, and to provide the manner in which applications for licenses shall be made.

*The People of the State of Michigan enact:*

Additional  
power.

SECTION 1. The board of trustees of the village of Chelsea shall have power and authority, in addition to the powers already heretofore granted by the general laws incorporating villages of the State of Michigan, as follows:

Application  
for license.

SEC. 2. Before entering upon the business of engaging in the sale of spirituous, fermented or intoxicating liquors as a beverage, the person desiring to engage in such business shall make application in writing therefor to the board of trustees of said village, specifying the location of the building in which he intends to keep such saloon or bar. Such application shall be accompanied by a recommendation, signed by at least ten reputable citizens, that the applicant for such license is well known to them and has a good reputation. If, in the opinion of said board of trustees, such applicant shall not be a person of good moral character, it shall refuse to grant the application for such license;

Signers  
required.

Places limited  
to four, etc.

SEC. 3. The number of places in said village of Chelsea, where intoxicating liquors are sold as a beverage, shall be limited to four, and no greater number shall be licensed within said village until the population thereof shall exceed three thousand, as shown by the last State or National census,

or by special census appointed and taken by the said village of Chelsea;

SEC. 4. When the population of said village shall exceed three thousand, then one such place may be added for each thousand inhabitants or fraction thereof in excess of three thousand; When one place may be added.

SEC. 5. After an application for a license shall have been approved by the board of trustees of the said village of Chelsea and before a license shall be issued, said applicant shall pay into the treasury of the village of Chelsea for the use of said village such sum, in addition to the license fee now provided by statute, as may be determined by ordinance, not to exceed the sum of five hundred dollars; Village license fee, when paid

SEC. 6. The board of trustees of the said village of Chelsea is hereby authorized and empowered to enact such ordinances as may be necessary to carry out and give effect to the provisions of this act. Provisions, how made effective.

This act is ordered to take effect May one, nineteen hundred seven.

Approved April 25, 1907.

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[No. 501.]

AN ACT to repeal act number four hundred forty of the local acts of nineteen hundred five, entitled "An act to amend act number two hundred thirty-three of the local acts of eighteen hundred ninety-one, entitled 'An act to incorporate the village of Eau Claire in the county of Berrien,' by inserting after section three of said act a new section to stand as section three a."

*The People of the State of Michigan enact:*

SECTION 1. Act number four hundred forty of the local acts of nineteen hundred five, entitled "An act to amend act number two hundred thirty-three of the local acts of eighteen hundred ninety-one, entitled 'An act to incorporate the village of Eau Claire in the county of Berrien,' by inserting after section three thereof a new section to stand as section three a." is hereby repealed. Act repealed.

This act is ordered to take immediate effect.

Approved April 25, 1907.

[No. 502.]

AN ACT to authorize the village of Reese, in Tuscola county, to borrow money and issue its bonds therefor, to be expended in the construction of a village hall.

*The People of the State of Michigan enact:*

May borrow  
money for  
village hall.

SECTION 1. The village council of the village of Reese, in the county of Tuscola, is hereby authorized to borrow not to exceed the sum of four thousand dollars on the faith and credit of the said village, to be expended under the direction of said village council in the construction of a village hall for said village of Reese.

Question, how  
submitted.

SEC. 2. Before said sum shall be borrowed and said bonds issued therefor, the question of such loan and bond issue shall be submitted to a vote of the qualified electors of said village, by resolution of said village council, at the next regular annual village election or at a special election duly called therefor, previously to such regular election in the discretion of the said council. The form of the ballot to be used in such election shall be as follows:

Form of  
ballot.

Shall the village of Reese borrow \$4000 Yes. [ ] and issue bonds therefor, to be used in the construction of a village hall? No. [ ]. The notices, the manner of conducting and the canvass and returns of such election shall be the same, as nearly as may be, as prescribed in the act under which said village of Reese is incorporated.

Act governing.

Negotiation of  
loan.

SEC. 3. If a majority of the ballots cast at said election are in favor of such loan and bond issue, then the village council of said village may negotiate such loan, at such rate of interest not exceeding six per cent per annum, and payable at such times and places as said council may deem proper, not exceeding ten years from the date thereof. The bonds shall be issued in such denominations as the council may deem best, shall be signed by the president and clerk of said village, and be negotiated under the direction of said council, but no bond or bonds shall be sold for less than its par value.

Denomination,  
etc.

Tax levy.

SEC. 4. The said village council shall have power and it shall be its duty to raise by tax, upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereof as fast as the same shall become due. Any tax assessed pursuant to this act may be in addition to that otherwise provided for by law.

This act is ordered to take immediate effect.

Approved April 25, 1907.



## [No. 503.]

AN ACT to provide for the payment of salaries to the sheriff, prosecuting attorney, clerk, treasurer, register of deeds, county school commissioner and deputies of said officers of Van Buren county, Michigan, and provide for the collection of all fees, and payment of the same to the county treasurer.

*The People of the State of Michigan enact:*

SECTION 1. The board of supervisors of Van Buren county, Michigan, is hereby empowered and it shall be the duty of said board to pay out of the county treasury to the sheriff, prosecuting attorney, county clerk, county treasurer, register of deeds, county school commissioner and such deputies as the board of supervisors shall allow, which in the case of sheriff shall not exceed one under sheriff and six deputies, one of whom may be designated as turnkey, such annual salaries as the board of supervisors may determine, not less than such minimum salaries as are hereinafter provided. Such salaries shall be fixed and determined by said board at the first meeting of the board in the year in which the election of said officers is to take place; and such compensation shall be in full for all services for which the county may be liable and in lieu of all fees which are fixed by law, and such salaries shall neither be increased nor diminished during the term for which said officers shall be elected or appointed.

Salaries of  
county  
officers.

SEC. 2. The minimum salaries to be paid by the board of supervisors to the said county officers shall be as follows: Sheriff, two thousand dollars; prosecuting attorney, fifteen hundred dollars; county clerk, fifteen hundred dollars; county treasurer, fifteen hundred dollars; register of deeds, fifteen hundred dollars; county school commissioner, fifteen hundred dollars. The salary of said school commissioner as fixed by said board shall be deemed to include all traveling expenses. The salaries of such deputies as are allowed by the board of supervisors shall be fixed by said board of supervisors at the time of their allowance. The provision relative to the number of deputy sheriffs shall not be deemed to interfere with the appointment of special deputies in case of necessity or emergency.

Minimum  
salaries.

Of deputies.

SEC. 3. The sheriff and deputies who receive a salary shall collect and make itemized statement of all fees required by law for the service of any process other than that of the county which shall be paid to the county treasurer, the last day of each month, taking duplicate receipts therefor. The county treasurer, county clerk and register of deeds shall collect all fees required by law and make out an itemized statement of the same and pay them to the county treasurer

Statement of  
fees, by  
sheriff and  
deputies.

By other  
officers.

the last day of each month, taking duplicate receipts therefor: *Provided*, That after this act shall have become operative, before any suit at law or in chancery shall be commenced in said court, there shall be paid to the clerk of said court, by the party commencing such suit, the sum of three dollars, and before any final judgment or decree shall be entered in any such suit, there shall be paid to the clerk of said court, by the prevailing party, the sum of four dollars. And if a jury shall be demanded by either party to any such suit, said party shall, at the time of making such demand, pay to said clerk the sum of three dollars: *Provided further*, That in case both parties shall demand a jury, the clerk shall receive such sum from the party first making the demand therefor, and from him only. All moneys so received shall be paid by said clerk to the county treasurer as provided in section three of this act. The sums paid, as aforesaid, shall be held to be in full of all clerk, entry, and jury fees in any such suit from the commencement thereof to and including the issuing and return of execution or other final process. The sum or sums so paid shall be taxed as costs of suit, in favor of the party paying the same if he be the prevailing party, in addition to any other costs to which he may be entitled by law.

Proviso,  
clerk, entry  
and jury fees.

When jury  
demanded.

Further  
proviso.

Sums paid,  
held to be in  
full.

Costs of suit.

Salaries, how  
paid.

Moneys, how  
credited.

Sheriff and  
deputies,  
actual ex-  
penses, etc.

Printing,  
postage,  
records, etc.  
Clerk hire.

May employ  
assistance for  
prosecutor.

Penalty for  
noncompl-  
ance.

SEC. 4. The salaries aforesaid shall be paid monthly by the county treasurer, upon a warrant issued by the county clerk but not until the itemized statement of all fees collected and paid over to the county treasurer, as aforesaid, has been sworn to and filed with the county treasurer and a duplicate of the receipts therefor filed with the county clerk.

SEC. 5. All moneys received by the county treasurer by virtue of this act, shall be credited to the general fund of the county.

SEC. 6. The board of supervisors is hereby empowered to pay the sheriff or his deputies, who receive a salary by virtue of this act, upon a sworn itemized statement of said expenses, any money actually expended by them in pursuance of their official duties; also not to exceed fifteen cents per meal for meals actually eaten by the prisoners while in custody of said sheriff, and such payment shall be in full for all services rendered said prisoners; also to provide for all printing, stationery, postage, purchasing of books, records and other papers necessary for the public service. And all of the officers hereinbefore mentioned, except the county school commissioner, shall be allowed all clerk hire in the conduct of their respective offices, to be determined by the board of supervisors of said county. Nothing in this act contained shall be deemed to restrict or interfere with the right of the board of supervisors to employ assistance for the prosecuting attorney when deemed advisable.

SEC. 7. If any of the aforesaid officers or their deputies shall fail to comply with the provisions of this act, they shall be deemed guilty of a misdemeanor, and on conviction there-

of, shall be punished by a fine of not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment at the discretion of the court.

Sec. 8. The provisions of this act for the payment of salaries to county officers, in lieu of the present method of compensation in the county of Van Buren, shall not go into effect until the first day of January, nineteen hundred nine, except in the case of such of the present county officers named as shall file a written request that such provisions shall go into immediate effect or a written assent thereto, on or before the fifteenth day of June, nineteen hundred seven, in the office of the county clerk of said county. If any such written requests or assents shall be filed, the board of supervisors of said county shall have the authority, and it shall be its duty, to meet in special session on the first day of July, nineteen hundred seven, and proceed to fix the salaries of such officers as shall have so requested or assented, in accordance with the provisions of this act; and when so fixed such salaries shall take effect and become the salaries of such officers as shall have so requested or assented upon and after the first day of July, nineteen hundred seven. And as to such officers whose salaries are so fixed by the board of supervisors at the special session herein provided for, the provisions of this act, as to the appointment of deputies and employment of clerks, shall become operative immediately thereupon.

Act, when  
effective.

Special session  
to fix salaries.

This act is ordered to take immediate effect.

Approved April 25, 1907.

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[No. 504.]

AN ACT to legalize the action of the electors of the public schools of the city of Bessemer, a corporate school district in the county of Gogebic, in the State of Michigan, in voting that said corporation shall borrow money and issue its bonds therefor to the amount of forty-five thousand dollars for the purpose of purchasing school sites and the erection of school buildings thereon, and to legalize the proceedings of the board of education of said corporation had relative to said matter, and to authorize said board of education to borrow money and issue bonds of said corporation to said amount, and for said purposes, and to provide for the levy of a direct annual tax upon all of the taxable property in said corporation to pay the interest on said bonds when due and to discharge the principal thereof at maturity.

*The People of the State of Michigan enact:*

Action  
legalized.

SECTION 1. The action of the electors of the public schools of the city of Bessemer, a duly organized fourth class city corporate school district in the county of Gogebic, in the State of Michigan, in determining by ballot at a special election held in said corporation for the purpose on the twenty-third day of January, nineteen hundred seven, that said corporation shall borrow money and issue its negotiable coupon bonds therefor to the amount of forty-five thousand dollars for the purpose of purchasing school sites and the erection of school buildings thereon, and the proceedings of the board of education of said corporation in and about the calling of said election and submitting to said electors the question of borrowing said money and issuing said bonds as set forth in a certain resolution adopted by said board on the ninth day of January, nineteen hundred seven, are hereby in all respects legalized, confirmed and made valid in law.

Bonds  
authorized.

SEC. 2. The board of education of said public schools of Bessemer is hereby authorized, for and on behalf of said corporation, to borrow money and issue and dispose of the negotiable coupon bonds of said corporation to the amount of forty-five thousand dollars for the purposes mentioned in section one of this act. Said bonds shall bear interest at a rate not to exceed five per centum per annum, payable semi-annually, and shall be in such form and of such denomination or denominations and shall be executed in such manner and payable at such time or times and at such place or places as the board of education of said corporation shall, by resolution, direct; and when issued said bonds shall constitute the valid and binding obligations of said public schools of the city of Bessemer.

Tax levy.

SEC. 3. The board of education of said public schools of the city of Bessemer shall, before or at the time of the issuance of the bonds mentioned in section two of this act, by appropriate resolution, provide for the levy of a direct annual tax on all of the taxable property situate within the limits of said corporation, sufficient in amount to pay the interest on said bonds when due and to discharge the principal thereof at maturity.

This act is ordered to take immediate effect.

Approved April 25, 1907.

## [No. 505.]

AN ACT to authorize surety companies to become surety upon, and to authorize and empower the township board of townships and board of trustees of villages and the common council of the cities in the county of Houghton to accept surety companies as surety upon all bonds given in said county under act number three hundred thirteen of the public acts of eighteen hundred eighty-seven and amendments thereto.

*The People of the State of Michigan enact:*

SECTION 1. Surety companies may become surety upon, and the township boards of the townships and the board of trustees of the villages and the common council of the cities in the county of Houghton are hereby authorized and empowered to accept surety companies authorized to do business in this State, as surety upon all bonds in said county under and by virtue of act number three hundred thirteen of the public acts of eighteen hundred eighty-seven and amendments thereto.

May accept  
surety com-  
panies on  
bonds.

This act is ordered to take immediate effect.

Approved April 25, 1907.

## [No. 506.]

AN ACT to amend section fifty-seven of act number two hundred nineteen of the session laws of eighteen hundred seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-one, eighteen hundred seventy-three, as amended.

*The People of the State of Michigan enact:*

SECTION 1. Section fifty-seven of act number two hundred nineteen, of the session laws of eighteen hundred seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-one, eighteen hundred seventy-three, as amended, is hereby amended to read as follows:

Section  
amended.

SEC. 57. The common council, in addition to the powers and duties specially conferred on them in this act, shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to said city, and make such orders, by-laws and ordinances relating to the same as they shall deem proper and

Additional  
powers of  
council.

necessary; and further, that they shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable within said city for the following purposes:

- Street sales.** First, To prohibit, restrain, license or regulate the sale or exposing for sale by any person or persons of any goods, wares or merchandise on the public streets, lanes or alleys of said city, and to order and direct the means, method or device by which to attract attention to such sales when by
- Auctioneers.** said common council authorized; also to regulate sales of goods and merchandise by auction, and to determine the amount to be paid by auctioneers for license to sell any such goods, wares or merchandise within said city; also to license
- Itinerant merchants, etc.** and regulate itinerant merchants, jobbers and traders, and merchants, jobbers and traders who, for a short time only, engage in the sale of goods, and to compel such merchants, jobbers and traders to execute a bond to the city of Ionia with such conditions in such sums as the common council may prescribe;
- Shows, exhibitions.** Second, To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, menageries, shows or other public performances and exhibitions for money; exhibitions of agricultural or educational societies or associations, and lectures on historic, literary, moral or scientific subjects excepted;
- Nuisances.** Third, To prevent, prohibit, abate, suppress or remove nuisances of every kind and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, slaughter-house, glue, starch or soap factory, tannery, stable, privy, hog-pen, sewer, or any other offensive or unwholesome house or place, to cleanse, remove or abate the same, from time to time, as often as they may deem necessary for the health, comfort and convenience, or safety of the inhabitants of said city, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same;
- Combustible and explosive substances.** Fourth, To direct the location of all markets and buildings for storing gunpowder or other combustible or explosive substances or dangerous articles; to regulate the buying, keeping, carrying, selling and using gunpowder, fire-crackers or fireworks manufactured or prepared therefrom, and to prevent, prohibit and suppress the exhibition of fireworks, burning or explosion of fire-crackers and the discharge of fire-arms within the limits of said city; and to prevent, prohibit and restrain the making of bonfires in streets and yards, and to regulate the use and kind of lights or lamps to be used in barns, stables and all buildings and establishments usually regarded as extra hazardous in respect to fire: *Provided*, That no slaughter-house shall be permitted within the city limits;
- Bonfires, lamps.**
- Proviso, slaughter-houses.**

Fifth, To prohibit and prevent within certain limits in said city, to be determined by the common council, the location or construction of buildings for storing, gun-powder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene and dangerous and explosive substances, soap, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops, establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings and establishments usually regarded as extra hazardous in regard to fire, shall be subject to such regulations in regard to their construction and management, as the common council may make with a view to the protection of any person or property from injury by fire or of the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances; to prevent injury or annoyances from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease;

Location of buildings for storage, etc., dangerous or offensive.

Sixth, To prevent the incumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, or aqueducts, drains or ditches in any manner whatever;

Incumbering of streets, etc.

Seventh, To require any horse, horses or mules attached to any vehicle, or standing in any of the streets, lanes or alleys in said city, to be securely fastened, watched or held, and to prevent and punish horse-racing and immoderate driving or riding in any street or over any bridge, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said city;

Immoderate driving or riding.

Eighth, To prescribe, restrain and regulate the use and speed of locomotives, engines and cars on railroads within the limits of said city, and to prohibit railroad cars from standing across or otherwise obstructing the streets thereof an unreasonable time, and to require and compel railroad companies using steam locomotives, to keep flagmen or watchmen at any railroad crossing of streets that the common council may deem necessary, and to give warning of the approach and passage of trains thereat;

Use and speed of locomotives; flagmen.

Ninth, To prohibit and regulate bathing in any public water, or in any open or conspicuous place, or any indecent exposure of the person in the city, and to provide for the cleansing of any and all streams in said city;

Bathing.

Tenth, To restrain and punish drunkards, vagrants, mendicants, street beggars and persons soliciting alms;

Drunkards, vagrants.

Eleventh, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses,

Pounds.

cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding;

Dogs.

Twelfth, To prevent and regulate the running at large of dogs, and to impose taxes on the owners of dogs;

Dead  
carcasses.

Thirteenth, To prohibit any person from bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive substances, and to require the removal or destruction thereof; if any person shall have on his premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof as a public nuisance by some officer of the city and to punish the person so occasioning such nuisances;

Sidewalks,  
obstructions  
on.

Fourteenth, To compel any persons to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood or obstructions;

Street noises.

Fifteenth, To regulate the ringing of bells and crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Watchmen.

Sixteenth, To appoint and prescribe the powers and duties of watchmen, and fines and penalties for their delinquencies;

Street lines.

Seventeenth, To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision not to exceed five hundred dollars;

Wooden  
buildings.

Eighteenth, To prohibit and prevent the location or construction of any wooden or frame house, shop, or other building, and to prohibit and prevent the using or employing any wooden or combustible material for the roofing of any building on such streets, alleys, and places, or within such limits in said city as the common council may from time to time prescribe, to prohibit and prevent the moving of wooden or frame buildings from any part of said city to any lot on such streets, alleys and places within said limits and the rebuilding and repairing of wooden buildings on said streets, alleys, and places within said limits when damaged by fire or otherwise;

Burial  
grounds.

Nineteenth, To provide for obtaining, holding, regulating and managing burial grounds, within or without the city, when established for the benefit thereof; to regulate the burial of the dead and to compel the keeping and return of bills of mortality;

Markets.

Twentieth, To establish, order and regulate the markets, to regulate the vending of wood, hay, meat, vegetables, fruits, fish and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by the butchers for license, to prohibit and prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food or



provisions, and to punish all persons who shall knowingly sell the same or offer to keep the same for sale: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and whole some meats, by the quarter, within the limits of the city;

Proviso,  
meats by the  
quarter.

Twenty-first, To establish, regulate and preserve public reservoirs, wells, penstocks and pumps, and to prevent the waste of water; to authorize and empower, under such regulations, and upon such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city for the purpose of supplying the inhabitants of said city with water;

Public reser-  
voirs, wells,  
etc.

Twenty-second, To prescribe rules to govern sextons, and undertakers for burying the dead, cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensations; to regulate and prevent auctions, peddling, hawking, pawn-brokerage, or using for hire, carts, drays, hacks or any kind of carriage or vehicle in the streets; to regulate and prevent runners, stage drivers and others soliciting guests for hotels, and passengers and others to ride or travel upon any railroad, street car, boat, omnibus, stage or any other kind of carriage or vehicle or to go any other where;

Sextons,  
undertakers.

Peddling, etc.

Soliciting  
guests, etc.

Twenty-third, To regulate the lighting of the streets and alleys and the protection and safety of public lamps;

Lighting.

Twenty-fourth, To provide for and regulate the numbering of the buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same;

House  
numbers.

Twenty-fifth, To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by any and all officers of the city, for the prompt, proper and faithful discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Appointive  
officers;  
duties, etc.  
Bonds and  
sureties of.

Twenty-sixth, To preserve the salubrity of the streams within the limits of the city; to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient: *Provided*, That the expense of such filling shall not in any one year exceed the sum of fifty dollars;

Streams,  
salubrity of.

Proviso.

Twenty-seventh, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city;

Stands for  
carriages,  
hay, etc.

Twenty-eighth, To provide for taking a census of the inhabitants of said city whenever they may see fit and to direct and regulate the same;

Census.

Grade for  
streets,  
sidewalks.

Twenty-ninth, To establish a grade for streets and sidewalks and to cause the sidewalks to be constructed in accordance with the same; and the common council shall have power by resolution or ordinance to plank and construct sidewalks within said city, and to cause the expense of the same to be assessed against the lots, tracts and premises in front of or adjoining which, such sidewalks shall be so built, planked or constructed;

Sealer of  
weights, etc.

Thirtieth, To prescribe the duties of sealer of weights and measures, and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said city, except as herein otherwise provided;

Gaming.

Thirty-first, To prohibit, restrain or prevent persons from gaming for money with cards, dice, billiards, nine or ten pin alleys, table, ball alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever in any grocery, store, shop or any other place in said city; to punish the person keeping the building, instruments or means for such gaming, and to compel the destruction of the same;

Solicitors of  
passengers,  
etc., draymen.

Thirty-second, To license and regulate solicitors of passengers of baggage for the benefit of any hotel, tavern, public house, boat or railroad; also, draymen, common truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire, and to fix and regulate the amount and rates of their compensation;

Auctioneers,  
hawkers, etc.

Thirty-third, To license and regulate auctioneers, hawkers, peddlers and pawnbrokers, license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods and other property whatsoever, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets;

Circuses,  
exhibitions.

Thirty-fourth, To prohibit and prevent or license and regulate the public exhibition, by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind;

Hotels,  
taverns.

Saloon  
limits, etc.

Thirty-fifth, To license and regulate the keeping of hotels, taverns and other public houses, and other houses or places for furnishing meals, food or drink, and to regulate saloons, their location or place of business, to provide certain bounds and limits in said city, in which the business of vending, selling or having for sale spirituous, vinous, malt, or brewed liquors, or any other intoxicating liquors or admixtures thereof, shall be conducted and carried on, and may further prohibit vending, selling and furnishing of intoxicating liquors or admixtures thereof, except in the district and limits in said ordinance appointed and limited for the sale thereof, and the number of saloons or other places, except drug stores, where any spirituous, malt, brewed, fermented, vinous or intoxicat-

ing liquors are sold at retail in said city of Ionia, shall not exceed one for each five hundred inhabitants, and said common council may determine to what person or persons licenses may be granted, and to fix such sum as a license fee in addition to that provided by the general laws of the State of Michigan, providing for the sale of spirituous, malt, or intoxicating liquors. The mayor and common council shall be given full power to reject any application for license, when in their judgment the applicant is not of reputable character and one who in their judgment will not comply with the liquor laws of the city of Ionia: *Provided*, Such license fee as herein authorized shall not exceed the sum of five hundred dollars;

License fee.

Application may be rejected.

Proviso.

Thirty-sixth, To tax and regulate keeping of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming;

May tax billiard tables, etc.

Thirty-seventh, To provide for public parks and squares, make, grade, improve and adorn the same, and all grounds in said city belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof;

Parks and squares.

Thirty-eighth, To sell or otherwise provide for disposing of all dirt, filth, manure and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same;

Dirt, filth, etc., disposal of.

Thirty-ninth, To establish, construct, maintain, repair, enlarge and discontinue within the highways, streets, avenues, lanes, alleys and public places of said city such bridges, culverts, sewers, drains and lateral drains and sewers, and to establish such a system of sewerage for said city as the common council may see fit, with a view to the proper drainage and sewerage of said city; to compel the owners or occupants of all occupied lots, premises and subdivisions thereof in sewer districts numbers one and two as now established within said city to construct private drains and sewers therefrom to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions and under such regulations as the common council shall prescribe;

Sewerage and drainage.

Private drains and sewers in certain districts.

How constructed.

Fortieth, To assess, levy and collect an annual assessment or tax on the real and personal property of said city, for the purpose of cleansing and keeping in repair the public sewers of said city;

Annual levy for sewers.

Forty-first, To establish a fire department, to provide for the prevention and extinguishment of fires, and to establish, organize and regulate fire companies in the manner and under such regulations as the common council may prescribe;

Fire department.

Forty-second, To regulate the construction of fences on the lines of streets and alleys and of partition and parapet walls, the walls of buildings, the thickness of walls, to regulate the construction of chimneys, hearths, fireplaces, fire arches,

Dangerous structures and apparatus.

ovens, and the putting up of stoves, stove pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and fix the fees therefor; to compel and regulate the construction of ash houses or deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof and the stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle and suspicious persons; and to compel all officers of the city, and other persons, to aid in the extinguishing of fires and in the preservation of property, exposed to danger therefrom;

Licenses,  
granting of,  
etc.

Term of, etc.

Sureties,  
sufficiency of.

Forty-third, To authorize the granting, issuing and revoking of licenses in all cases where licenses may be granted and issued under this act and ordinances of the common council; to direct the manner of issuing and registering the same and by what officer they shall be issued or revoked and to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year and the common council may prescribe by by-law, ordinance or resolution that before the issuing thereof the person receiving the same shall execute a bond to the corporation in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for the faithful observance of the charter of the corporation and the ordinances of the common council and otherwise conditioned as the common council may prescribe. The officer authorized to issue said license may inquire into the sufficiency of the sureties in such bond by an examination under oath as to their property and responsibility, which oath may be administered by such officer.

This act is ordered to take immediate effect.

Approved April 30, 1907.

## [No. 507.]

AN ACT relative to regulation of the liquor traffic in the township of Forest and village of Tower, Cheboygan county, prohibiting the maintenance of saloons or other places where intoxicating liquors are sold as a beverage, or the selling or giving away of such liquors within three hundred fifty feet of any public school, and permitting the acceptance of surety company bonds from liquor sellers.

*The People of the State of Michigan enact:*

SECTION 1. It shall not be lawful to establish or maintain a saloon or other place where either spirituous, intoxicating, malt, brewed or fermented liquors are sold or kept for sale as a beverage, nor to give away or dispose of any such liquors within three hundred fifty feet of any public school within the township of Forest or village of Tower, Cheboygan county: *Provided*, That the provisions of this act shall not be construed to apply to druggists who sell liquors for chemical, scientific, medicinal, mechanical or sacramental purposes only. Unlawful  
sale of  
liquors.  
  
Proviso,  
druggists.

SEC. 2. If any person shall by himself, clerk, agent or servant violate any of the provisions of this act, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution, or be imprisoned in the county jail for not less than ten days nor more than sixty days, or by both such fine and imprisonment in the discretion of the court, and in such case, if the fine and costs shall not be paid at the time such imprisonment expires, the person serving such sentence shall be further detained in jail until such fine and costs are fully paid: *Provided, however*, That in no case the whole term of imprisonment shall exceed ninety days. Each violation of this act shall be deemed a separate and distinct offense. Penalty.  
  
  
  
  
  
  
Proviso.

SEC. 3. In the said township of Forest and village of Tower, any surety company authorized to do business within the State of Michigan shall be deemed sufficient surety for any bond or recognizance required by the laws of this State for the sale of intoxicating liquors as a beverage, and any such bond, executed within said township or village, shall be sufficient if signed by the principal and any such duly authorized surety company, notwithstanding the exceptance of such bonds from the provisions of act number two hundred sixty-six of the public acts of eighteen hundred ninety-five, entitled "An act relative to bonds and other obligations with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such sureties and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the Surety  
companies.

Proviso,  
law how  
construed.

expense of procuring sureties, and repealing of laws in conflict therewith:" *Provided*. That nothing herein contained shall be construed as compelling either the township board of the township of Forest or the village council of the village of Tower, Cheboygan county, to accept surety bonds, as required in this section, on any liquor bonds that may be presented.

This act is ordered to take immediate effect.

Approved April 29, 1907.

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[No. 508.]

AN ACT to amend act number three hundred ninety-nine of the local acts of the legislature of the State of Michigan for the year nineteen hundred five, entitled "An act revising the charter of the city of Jackson, and to repeal all acts or parts of acts inconsistent therewith," so as to make provision for the city of Jackson issuing its negotiable bonds in the sum of one hundred thousand dollars, for paving and sewers as may be ordered by the common council of said city of Jackson; this proposition to request the legislature for this amendment having been submitted to vote of the electors at the annual charter election on Monday, April first, nineteen hundred seven, and carried affirmatively; by adding to title sixteen, entitled "Finance and Taxation," one section to stand as section twelve.

*The People of the State of Michigan enact:*

Act amended. SECTION 1. Act number three hundred ninety-nine of the local acts of the legislature of the State of Michigan for the year nineteen hundred five, entitled "An act revising the charter of the city of Jackson, and to repeal all acts or parts of acts inconsistent therewith," is hereby amended so as to authorize and enable the city of Jackson to issue its negotiable bonds in the sum of one hundred thousand dollars, for paving and sewers during the fiscal years of nineteen hundred seven and nineteen hundred eight, in accordance with the proposition affirmatively voted upon by the electors of the said city of Jackson at its late charter election, by adding to title sixteen, entitled "Finance and Taxation," one section to stand as section twelve.

## TITLE XVI.

## FINANCE AND TAXATION.

SEC. 12. During the fiscal years nineteen hundred seven and nineteen hundred eight, said city of Jackson, notwithstanding the provision contained in section ten of this title, limiting the amount that may be voted or raised in any year under the provisions of this section to one-third of one per cent. of the assessed valuation of the property in the city, as shown by the last preceding tax rolls, may in addition to said one-third of one per cent. of the assessed valuation of the property in the city of Jackson, as shown by the last preceding tax rolls, issue its negotiable bonds in the sum of one hundred thousand dollars, payable at such times as the common council shall direct, and the proceeds of such bonds are to be used for paving and sewers within said city of Jackson, as the common council of said city of Jackson may direct.

Additional amount may bond for sewers, etc.

This act is ordered to take immediate effect.

Approved April 30, 1907.

[No. 509.]

AN ACT to authorize the assessment and collection of taxes in that territory described in "An act to annex certain territory, situated in the township of Grosse Pointe, in the county of Wayne, contained within the corporate limits of the village of Fairview, to the city of Detroit, and to apply and make operative in said territory all statutes, laws and ordinances, now or hereafter made applicable to and operative in said city," approved March twenty-seven, nineteen hundred seven.

*The People of the State of Michigan enact:*

SECTION 1. The board of assessors of the city of Detroit shall, as soon as practicable after the first day of May, nineteen hundred seven, assess at its true cash value all the real and personal property subject to taxation by the laws of this State within the limits of that certain territory described in "An act to annex that certain territory situate in the township of Grosse Pointe, in the county of Wayne, contained within the corporate limits of the village of Fairview, to the city of Detroit, and to apply and make operative in said territory all statutes, laws and ordinances now or hereafter

Board of assessors to assess certain territory.

To become part of assessment roll of seven-teenth ward.	made applicable to and operative in said city," approved March twenty-seven, nineteen hundred seven, which said assessment, when reviewed and confirmed as hereinafter provided, shall be and become a part of the assessment roll of the seventeenth ward of the city of Detroit, and all the provisions of the charter of the city of Detroit and the laws of this State relative to the assessment, levy and collection of taxes in the city of Detroit shall be applicable thereto.
Completion of roll, notice given.	Sec. 2. It shall be the duty of the board of assessors to cause a notice to the taxpayers in said territory to be published in the daily newspaper published by the printer of said city, and in one other daily newspaper published in said city for six days prior to the fifteenth day of May, nineteen hundred seven, that the said assessment roll will be completed on the fifteenth day of May, nineteen hundred seven, and any person considering himself aggrieved by reason of any assessment may complain thereof either verbally or in writing before said board of assessors and on sufficient cause being shown, by the affidavit of such person, by oral proof or by other evidence to the satisfaction of said board, it shall review the assessment complained of and may alter or correct the same as to the person charged thereby, the property described therein and the estimated value thereof. The concurrence of a majority of the board shall be sufficient to decide any question of altering or correcting any assessment complained of. The board of assessors, or a majority of them, having completed the review and correction of said assessment rolls shall on the twenty-first day of May, nineteen hundred seven, return the same to the common council of the city. The receipt by the common council of the communication of the board of assessors announcing the completion of said roll shall be deemed a delivery of said roll to the common council.
Persons aggrieved.	
Majority to concur.	
Return of assessment rolls.	
Delivery, what deemed.	
Review of assessment.	Sec. 3. The common council after receiving said assessment rolls shall, at ten o'clock a. m. of the first succeeding day, proceed to consider the same, and any person considering himself aggrieved by the assessment of his property, and the decision of said board of assessors thereon, may appeal to the common council; their appeal shall be in writing and shall state specifically the grounds of the appeal and the matter complained of, together with the address of such appellant, and no other matter shall be considered by said common council. Said common council may refer said assessment roll and appeals to a committee of said council for consideration, and said committee shall give notice to any person who has filed an appeal as above provided of the time and place of the meeting therefor, which notice may be made in writing, by delivering the same to such persons or leaving the same at his place of residence or place of business with some person of proper age and discretion, or by mail to the address of such appellant. While acting upon said assessment rolls or appeals any member of the said board of assess-
Appeal, what to state.	
May refer roll to committee.	
Assessor may meet with committee.	



sors may, and on request of said council or committee by resolution shall meet with said council or committee, or make such explanations as he may deem requisite in any case.

SEC. 4. The said council or said committee shall hear and determine all appeals in a summary manner and correct any errors which they may discover in the assessment rolls, and place thereon the names of any persons and the descriptions of any property not already assessed, and assess the same, and may increase or diminish any assessment as they may see fit: *Provided*, They shall not increase any assessment of property without giving a reasonable opportunity to persons owning or having charge of the same, if known, to appear and object thereto, and may continue the consideration of said assessment rolls and hearing of said appeals from session to session for a period not exceeding two days after the time when they are to be first considered as above provided. Said committee shall report to the common council their doings in the premises and the same shall be then considered by the council, who may adopt, change or amend the same, in whole or in part, and after due consideration thereof said rolls shall be fully and finally confirmed by said council, and shall remain as the basis of all taxes to be levied and collected in the city of Detroit according to property valuation, until another assessment shall have been made and confirmed as above provided.

Who to hear  
and determine  
appeals.

Proviso,  
increase of  
assessment.

Committee  
report to  
council.

Confirmation  
of rolls.

This act is ordered to take immediate effect.

Approved April 30, 1907.

[No. 510.]

AN ACT to give the city council of the city of Dowagiac power and authority to limit the number of places in said city where intoxicating liquors are sold as a beverage, and to provide therefor by ordinance.

*The People of the State of Michigan enact:*

SECTION 1. The city council of the city of Dowagiac shall have power and authority, in addition to the powers already heretofore granted by act number two hundred fifteen of the public acts of eighteen hundred ninety-five, as amended, as follows:

Additional  
power.

SEC. 2. To limit the number of places in said city where intoxicating liquors are sold as a beverage, in the manner in the following section provided:

To limit  
saloons.

SEC. 3. The number of such places shall be limited to ten in said city, and no greater number shall be licensed within said city until the population thereof shall exceed seven thousand,

Idem.

as shown by the State or Federal census, or by a special census, appointed and taken by the said city of Dowagiac.

When one  
place may be  
added.

SEC. 4. When the population of said city shall exceed seven thousand, then one such place may be added for each thousand inhabitants in excess of seven thousand.

Provisions,  
how made  
effective.

SEC. 5. The city council is hereby authorized and empowered to pass such ordinances as may be necessary to carry out and give effect to the provisions hereof.

This act is ordered to take immediate effect.

Approved April 30, 1907.

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[No. 511.]

AN ACT to legalize certain bonds of the village of Reed City.

*The People of the State of Michigan enact:*

Bonds  
legalized.

SECTION 1. All the proceedings had and taken by the electors and common council of the village of Reed City, in the county of Osceola, in respect to the issue of the bonds of said village to the amount of fifteen thousand dollars for public improvements, are hereby legalized, and the said bonds, heretofore or hereafter issued, are declared to be the binding obligation of the village of Reed City, anything in the charter of said village to the contrary notwithstanding.

This act is ordered to take immediate effect.

Approved April 30, 1907.

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[No. 512.]

AN ACT to repeal act number three hundred twenty-eight of the session laws of eighteen hundred sixty-nine, entitled "An act to fix the time of holding probate court in the county of Leelanau."

*The People of the State of Michigan enact:*

Act repealed.

SECTION 1. Act number three hundred twenty-eight of the session laws of eighteen hundred sixty-nine, entitled "An act to fix the time of holding probate court in the county of Leelanau," is hereby repealed.

This act is ordered to take immediate effect.

Approved April 30, 1907.

## [No. 513.]

AN ACT authorizing the council of the village of Morley, in the county of Mecosta and State of Michigan, to license the sale of intoxicating liquors within the corporate limits of said village.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the village of Morley, in the county of Mecosta and State of Michigan, is hereby authorized and empowered to require an annual village license not to exceed five hundred dollars, in addition to the State license for the same, of every person, except druggists, engaged in the business of furnishing, selling or offering for sale at retail, any spirituous, intoxicating, malt, brewed, fermented or distilled liquors as a beverage, or any mixture or compound thereof, except proprietary patent medicines, within the corporate limits of said village.

SEC. 2. The common council of said village of Morley is hereby authorized during the month of April, by resolution, to determine the amount of said village license for the ensuing year, not exceeding five hundred dollars.

This act is ordered to take immediate effect.

Approved April 30, 1907.

## [No. 514.]

AN ACT to authorize and empower the township board of the township of Port Huron, county of St. Clair and State of Michigan, to make all such orders and by-laws for determining the time and manner in which cattle, horses, swine, sheep and other animals may be restrained from going at large in the highways; prohibiting the riding of bicycles on the sidewalks in said township; regulating the rate of speed and manner in which persons may travel over and upon the highways of said township by automobile or other conveyance; for determining under what conditions and circumstances the highways of said township may be torn up or dug up by the adjacent property owners or others; and for determining and regulating the width of wagon tires to be used in drawing loads over and upon the highways of said township; and for directing and managing the prudential affairs of the township, as said board shall judge most conducive to the peace, welfare and good order of said township.

*The People of the State of Michigan enact:*

Authority to  
make town-  
ship orders  
and by-laws.

SECTION 1. The township board of the township of Port Huron, in the county of St. Clair and State of Michigan, is hereby authorized and empowered at any legal meeting of said board, by a majority vote of the members of said board, to make all such orders and by-laws for determining the time and manner in which cattle, horses, swine, sheep and other animals may be restrained from going at large in the highways; prohibiting the riding of bicycles on the sidewalks in said township; regulating the rate of speed and manner in which persons may travel over and upon the highways of said township by automobile or other conveyance; for determining under what conditions and circumstances the highways of said township may be torn up or dug up by the adjacent property owners or others; and for determining and regulating the width of wagon tires to be used in drawing loads over and upon the highways of said township; and for directing and managing the prudential affairs of the township, as said board shall judge most conducive to the peace, welfare and good order thereof, and as are not in conflict with the general laws of this State.

Fines,  
penalties and  
forfeitures.

SEC. 2. When, by the provisions of this act, the township board of the township of Port Huron, in St. Clair county, Michigan, has authority to pass orders or by-laws for any purpose, they may prescribe fines, penalties and forfeitures not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both in the discretion of the court, together with the costs of prosecution for each violation of any of said orders or by-laws, and may provide that the offender on failing to pay such fine, penalty or forfeiture, and the costs of prosecution, may be imprisoned for any time not exceeding ninety days, unless payment thereof be sooner made, and also that the offender be kept at labor during such confinement. The said township of Port Huron shall be allowed the use of the county jail of St. Clair county for the confinement of all persons liable to imprisonment under the orders and by-laws thereof or any of the provisions of this act, and the sheriff or other keeper of such jail or other place of confinement or imprisonment shall receive and safely keep any person committed thereto, as aforesaid, until lawfully discharged. In all cases of imprisonment for breaches of such orders or by-laws, such receiving and keeping in such jail shall be at the expense of the township. Such fine, penalty or forfeiture and imprisonment for the violation of any such order or by-law shall be prescribed in the by-laws. If the township of Port Huron shall make a contract with the managers of the Detroit House of Correction, then offenders may be sentenced to that prison under the same terms and conditions provided for the sentencing of persons under the terms of this act to the county jail of St. Clair county. Per-

Use of county  
jail.

Expense.

When may  
sentence to  
Detroit House  
of Correction.

sons violating any such order or by-law shall be deemed guilty of a misdemeanor and shall be subject to arrest, fine and imprisonment, except as herein restricted, the same as on convictions for other misdemeanors, and the arrest, fine and commitment of any such person shall be the same as persons accused of the commission of any misdemeanor.

SEC. 3. Such orders or by-laws, where they impose a fine, penalty or imprisonment, or both, shall not take effect for at least twenty days after adoption, and shall in all respects, where not inconsistent with the provisions of this act, be enacted, adopted and published the same as now provided for the enactment, adoption and publication of the by-laws under the general laws of this State. By-laws, etc.,  
when effective.

This act is ordered to take immediate effect.

Approved May 2, 1907.

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[No. 515.]

AN ACT to repeal act number three hundred eighty-four of the local acts of nineteen hundred five, entitled "An act to provide for two voting precincts in the township of Tuscarora, in the county of Cheboygan," approved March fifteen, nineteen hundred five.

*The People of the State of Michigan enact:*

SECTION 1. Act number three hundred eighty-four of the local acts of nineteen hundred five, entitled "An act to provide for two voting precincts in the township of Tuscarora, in the county of Cheboygan," approved March fifteen, nineteen hundred five, is hereby repealed. Act repealed.

Approved May 2, 1907.

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[No. 516.]

AN ACT to authorize the city of Cheboygan to borrow money for the purpose of paying the outstanding indebtedness of said city for Main and State street paving, completed in nineteen hundred six, and paying said city's proportionate share of the proposed State street paving in said city on the east side thereof, and other outstanding indebtedness, and to issue its bonds for payment of same.

*The People of the State of Michigan enact:*

Bonds for  
outstanding  
indebtedness.

SECTION 1. The council of the city of Cheboygan is hereby authorized and empowered to borrow money from time to time on the faith and credit of said city and issue bonds therefor, not exceeding in the aggregate the sum of twenty thousand dollars, which shall be expended in paying the outstanding indebtedness of said city for Main and State street paving completed in nineteen hundred six, paying city's proportion of proposed State street paving on the east side in said city, and other outstanding indebtedness of said city.

Style of.

SEC. 2. Said bonds may be issued in such sum not exceeding in amount the sum hereinbefore limited, and payable at such times with such rates of interest not exceeding five per cent per annum as the common council may direct, and shall be signed by the mayor and clerk and sealed with seal of the said city, and negotiated, but all under the direction of said council, and the money arising therefrom shall be appropriated in such manner as said council shall determine for the purposes as aforesaid, and the council shall have the power and it shall be its duty to raise by tax, upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds, and the interest thereon as fast as the same shall become due.

Tax levy.

This act is ordered to take immediate effect.

Approved May 2, 1907.

[No. 517.]

AN ACT to give to the city of Albion, in Calhoun county, power and authority to construct extensions to the water and sewer systems of said city, by contract or otherwise, as the council may determine, in addition to the powers granted by act number two hundred fifteen of the public acts of eighteen hundred ninety-five, as amended.

*The People of the State of Michigan enact:*

Authority to  
extend, etc.,  
water and  
sewer systems.

SECTION 1. The city of Albion, in Calhoun county, shall have power and authority, in addition to the powers granted by act number two hundred fifteen of the public acts of eighteen hundred ninety-five, as amended, to construct all additions to and extensions of the water and sewer systems of said city, by contract or otherwise, as the council may, by resolution, determine.

This act is ordered to take immediate effect.

Approved May 2, 1907.

[No. 518.]

AN ACT to authorize the township of Cooper, in the county of Kalamazoo, to borrow money and issue bonds therefor, for the purpose of building a bridge across the Kalamazoo river in said township, and to provide for the payment of the principal and interest on said bonds.

*The People of the State of Michigan enact:*

SECTION 1. The township board of the township of Cooper, in Kalamazoo county, is hereby authorized and empowered to borrow not exceeding seven thousand dollars on the faith and credit of said township, and to issue its bonds therefor; said moneys to be used in the building of a new bridge across the Kalamazoo river in said township at the Breese and Borden Crossing, so-called, on the section line between sections three and ten. The sum of seven thousand dollars, hereby authorized to be borrowed, shall be due and payable, one-third in one year, one third in two years and one third in three years, together with interest at a rate not to exceed six per cent per annum.

Bonds authorized.

To build bridge.

Maturity, etc.

SEC. 2. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of said township of Cooper, voting upon such proposition, voting at a general or special township meeting in said township at any time after the taking effect of this act, shall vote in favor of said proposition. The said township board is hereby authorized and empowered to submit the question of said loan to the qualified electors of said township at such general or special township meeting. It is hereby made the duty of the township board of said township of Cooper to give due notice thereof in printed or written notices, posted in at least five public places in said township, not less than twelve days prior to said general or special election, which notices shall state the amount of money proposed to be borrowed.

Majority vote.

When submitted.

Notice given.

SEC. 3. The proposition of issuing the said bonds, provided for in section one of this act, shall be submitted to the electors by ballot, which ballot shall be written or printed, or partially written and partially printed, and in the following form:

Form of ballot.

"For the Breese and Borden bridge loan—Yes."

"For the Breese and Borden bridge loan—No."

Said vote shall be canvassed in the same manner as the votes cast at the regular township meeting and, if on the canvass of said vote it shall be found that a majority of the electors voting upon such proposition have voted in favor of the same, the said township board shall be authorized to issue the bonds of said township, as provided in section one of this act, and it shall be the duty of the township supervisor

Canvass.

- and treasurer to execute and sign such bonds when issued.
- Tax levy.** SEC. 4. It shall be the duty of the township board of the township of Cooper to raise by tax upon the taxable property of said township in each of the years following the making of the loan provided for in this act, in addition to the other taxes authorized by law, to be assessed and collected in said township, an amount sufficient to pay one-third of the principal obligation and the interest on the amount unpaid.
- Payment of installments.** SEC. 5. It is hereby made the duty of the township board of said township of Cooper to issue to the township treasurer definite orders for the payment of the several installments of the principal and interest of the loan in this act provided for, as the same shall become due, and it shall be lawful for the said township board to borrow from the contingent fund of the township such amounts as may be necessary to make up any shortage in the collections on account of the bridge loan tax arising from delinquent taxes in any year.
- May borrow from contingent fund.** This act is ordered to take immediate effect.  
Approved May 2, 1907.

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[No. 519.]

AN ACT in relation to the business of selling, furnishing, delivering or keeping for sale any intoxicating or spirituous liquors or malt, brewed, fermented or vinous liquors and to prescribe the location where the same shall be sold in the city of Cadillac, Wexford county.

*The People of the State of Michigan enact:*

- Regulation, etc., of liquor business.** SECTION 1. The city of Cadillac in the county of Wexford is hereby authorized to restrict, regulate and license saloons and other places, except drug stores, where intoxicating or spirituous liquors or malt, brewed, fermented or vinous liquors are sold or kept for sale and may regulate and prescribe the location of such saloons or other places, except drug stores, where such liquors are sold or kept for sale.
- City license fee.** SEC. 2. All persons, except druggists, who shall engage in the business of selling or keeping for sale any spirituous liquors or malt, brewed, fermented or vinous liquors within said city of Cadillac shall be required to pay into the treasury of said city a license fee in such sum as may be fixed by the city council by ordinance or resolution.
- License, unlawful to sell, etc., without.** SEC. 3. It shall be unlawful for any person or persons, except druggists, to engage or continue in the business of selling or keeping for sale any spirituous or intoxicating liquors or malt, brewed; fermented or vinous liquors within the limits of the said city of Cadillac from



and after the thirtieth day of April, nineteen hundred seven, without having first procured from the city council of said city the license referred to in section two of this act.

SEC. 4. Every person desiring to engage in or continue in the business of selling or keeping for sale any spirituous liquors or malt, brewed, fermented or vinous liquors within the said city of Cadillac shall make application in writing to the city council of said city for said license for such purpose, which application shall state the street number or otherwise describe the location of the place where such business is to be carried on and shall be accompanied with a recommendation signed by at least six reputable citizens of said city certifying that the applicant is well known to them, is of good reputation and moral character and is well qualified to carry on the proposed business. Such application shall also contain an agreement on the part of the applicant that he will accept a license if granted him upon the express condition that it may be revoked at the will of the city council. Any such applicant shall before receiving said license pay to the city clerk of said city as a license fee such sum as may be fixed and determined by the said city council by ordinance or resolution. Such license if issued shall state the number or location of the place of business as described in the application and shall not be transferred to any other location in said city without the consent of the city council and no license issued as aforesaid shall be for a period beyond the first day of May next after such license is issued. Such license shall also contain the express stipulation and condition that it may be revoked at the will of the city council: *Provided*, That the provisions of this section shall not apply to druggists who are engaged in the sale of spirituous and intoxicating liquors in strict compliance with the laws of this State.

Application.

What to state etc.

Revocation.

License, what to state.

Proviso, druggists.

SEC. 5. The city council may require every applicant for a license under the provisions of this act to furnish a bond in such sum and with such sureties as may be prescribed by the city council, such bond to be conditioned for the faithful observance of and compliance with all lawful rules, regulations, restrictions, ordinances and resolutions made, enacted or prescribed by the city council concerning the conducting of said business.

Bonds.

SEC. 6. The said city council is hereby authorized and empowered to restrict and limit the number of saloons or other places, except drug stores, where spirituous or intoxicating liquors or malt, brewed, fermented or vinous liquors are sold or kept for sale in said city and is hereby prohibited from issuing licenses except as hereinafter provided for the sale within said city of any such intoxicating liquors in a number, in excess of one saloon or place where such liquors are sold or kept for sale except drug stores to each one thousand inhabitants of said city or major fraction thereof

One saloon to each one thousand.

Proviso,  
issue limited.

Further  
proviso.

as shown by the last State or Federal census: *Provided*, That the total number of licenses issued during any one year shall not exceed twenty: *Provided, further*, That from and after the time this act shall take effect no license shall be granted by the city council of said city to any person or persons, except druggists, not lawfully engaged in said business of selling or keeping for sale spirituous or intoxicating liquors or malt, brewed, fermented or vinous liquors in said city on the thirtieth day of April, nineteen hundred seven, and on the thirtieth day of April every year thereafter until such time as the number of saloons or other places, except drug stores, where such liquors are sold or kept for sale in said city, shall be less than one for each one thousand inhabitants of said city as shown by the then last State or Federal census.

License not  
transferable.

SEC. 7. No license granted under authority of this act shall be transferable. Any license may be revoked by the city council for or on account of the violation or non-observance of such rule, regulation, restriction, ordinance or resolution as may be prescribed or enacted by the city council, concerning the manner of conducting the business of selling or keeping for sale any such intoxicating or spirituous liquors, malt, brewed, fermented, or vinous liquors within said city: *Provided*, That the owner of any such license shall be given a hearing before the city council before such license may be revoked.

Proviso,  
hearing given  
before license  
revoked.

Noise, riot,  
games of dice,  
etc.

SEC. 8. Said city council may adopt rules, regulations and ordinances prohibiting noise, riot, or disturbance, or games of dice, or games of chance, and prohibit the use of any slot machine or device for gambling, within or upon the premises or building in which any applicant shall be granted a license to conduct such business as is referred to in this act. The said city council may also prohibit any music or entertainment adjacent to or within or upon the premises or building in which any applicant is granted permission to carry on the business referred to in this act, for the purpose of attracting persons to such place of business, and may prescribe penalties for the sale of any such liquors as are referred to in this act to minors or to any adult person, who is at the time intoxicated, or to any person who is in the habit of becoming intoxicated or to a habitual drunkard. Said city council is also given authority to prescribe and adopt any and all such other rules, regulations and ordinances as may be consistent with the provisions of this act.

May prohibit  
music, etc.

Sale of liquors  
to minors, etc.

Penalty for  
violating  
licenses, etc.

SEC. 9. Any person to whom a license shall be granted by the city council, under authority of this act, and who shall violate any of the provisions of this act, or any rule, regulation or ordinance prescribed or adopted by the city council relative to the business of selling or keeping for sale any such liquors as are herein referred to, shall upon conviction thereof, in addition to having his license revoked by the city council, be fined not less than twenty-five dollars nor more

than one hundred dollars, or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved May 2, 1907.

[No. 520.]

AN ACT to authorize and empower the village of Harrietta, in the county of Wexford, to restrain, license and regulate saloons and other places where intoxicating, spirituous, malt, brewed, fermented, or vinous liquors as a beverage are sold or to be sold, or kept for sale.

*The People of the State of Michigan enact:*

SECTION 1. The village of Harrietta, in the county of Wexford is hereby authorized and empowered to restrain, license and regulate saloons and other places where intoxicating, spirituous, malt, brewed, fermented, or vinous liquors as a beverage are sold or to be sold, or kept for sale. It shall be unlawful for any person to engage or continue in the business of selling or keeping for sale spirituous, malt, brewed, fermented or vinous liquors as a beverage within the limits of said village of Harrietta, from and after May one, nineteen hundred seven, without having a license for that purpose from the common council of said village.

Authority to  
license and  
regulate  
saloons.

Village  
license.

SEC. 2. Every person desiring to engage in or continue in the business of selling or keeping for sale spirituous, malt, brewed, fermented or vinous liquors as a beverage within the limits of said village of Harrietta, shall make application in writing to the common council of said village for a license for that purpose, stating the number or location of the place where such business is to be carried on, which application shall be accompanied with a recommendation signed by at least twelve reputable citizens of the village, certifying that the applicant is well known to them, is of good reputation, of good moral character, and is an orderly person of good habits, and qualified to carry on such business. Such applicant shall, before receiving his or her license, pay into the village treasury such sum as may be determined by ordinance or resolution of the common council, and take the treasurer's receipt therefor, which receipt he shall deliver to the proper officer, together with the application for license. Such license if issued, shall state the number or location of the place of business, as designated in the application, and shall not be transferred to any other part of said village without the consent of the common council, and no license, as issued

Application  
for license,  
what to state.

Sum to be  
paid into  
village  
treasury.

License, what  
to state, etc.

as aforesaid, shall extend beyond the first day of May after the same has been issued.

Approved May 8, 1907.

[No. 521.]

AN ACT to provide for the election of the board of trustees of fractional school district number one (including the city of Marine City), township of Cottrellville and county of St. Clair.

*The People of the State of Michigan enact:*

Election of trustees.

SECTION 1. The first election held under this act, in fractional school district number one (including the city of Marine City), township of Cottrellville and county of St. Clair, the two trustees to be elected and annually thereafter, the trustee or trustees to be elected, shall be elected in the manner provided for in this act.

Annual election.

SEC. 2. Such annual election shall be held on the day provided for by law at the high school building in said city of Marine City. The polls shall be opened at two o'clock in the afternoon and shall continue open without intermission or adjournment until the hour of eight o'clock in the afternoon, at which time they shall be finally closed. Said election shall be by ballot, and shall be conducted in the manner provided for in this act.

Polls, when to open and close.

Election by ballot.

Printing and form of ballot.

SEC. 3. The board of trustees of said district shall cause the names of all candidates for the office of trustee to be printed on one ballot and said board shall provide a sufficient number of ballots of uniform size and of the same quality and color of white paper, and sufficiently thick that the printing cannot be distinguished from the back, which ballots shall be in the form provided for by the general election laws of the State, with a suitable heading. To obtain the printing of the name of any candidate on said ballot, there shall be filed with the director of such board of trustees, at least five days before such annual election, nomination papers signed by at least twenty-five qualified voters of such district. Such nomination papers shall be in the form of a petition requesting that the name of the candidate therein named be printed on the official ballot by said board of trustees, and designating the trustee, whose term is about to expire, whom it is desired such candidate should succeed. The names of the different candidates shall be arranged in the different columns in the order in which they are presented, and in the column in accordance with the request of the various nomination papers by the said board of trustees.

Nomination papers; filing of.

Form of.

Names, how arranged.

SEC. 4. Voters shall place a cross in the square before the name of the candidate for whom they wish to vote; if there are two or more trustees to be elected, he shall place a cross in the square before the names of as many candidates as there are trustees to be elected. If the elector wishes to vote for a candidate not on the ticket, he must write or paste the name of such candidate opposite the name of the office, marking a cross in the square before the name so written or pasted.

Instructions to voters.

SEC. 5. The trustees who are not candidates for re-election shall constitute the board of inspectors of election, and shall appoint such help as they may deem necessary for the conduct of the same. If any of such trustees shall not be present at the time of the opening of the polls or remain in attendance, the electors present may choose, viva voce, such number of such electors as, with the trustee or trustees present, shall constitute a full board of inspectors of such election. Each of said inspectors shall take the required oath and faithfully perform the duties of inspector of such election. The moderator of the board shall be chairman of the board of inspectors; in his absence, the inspectors shall elect one of their number as such chairman. Every person shall be entitled to vote at such election, who is qualified by the laws of the State to vote at any election for school trustees.

Board of election inspectors.

To take oath, etc.

Chairman of board.

Who entitled to vote.

SEC. 6. In carrying the provisions of this act into effect, it shall be the duty of the board of trustees to supply a railing, within which only the officers conducting the election and those who are intending to vote, shall be allowed. They shall also appoint a gate tender who shall not allow more than two voters inside of the gate at any one time. It shall also be the duty of said board to provide any and all other necessary supplies in order to carry out a secret ballot in the election of the members of said board of trustees.

To supply railing.

Gate tender, duty of.

SEC. 7. Immediately upon closing the polls, the board shall proceed to canvass the votes. Such canvass shall be public. After such tickets or ballots have been counted, the result shall be immediately declared, and the number of votes received by each candidate or person on the ticket shall be publicly declared by one of the inspectors. The person or persons who shall have received the highest number of votes for the respective offices of such trustee designated upon the ballot, shall be declared elected by said board of election inspectors. The ballots shall, when the vote shall have been declared, be returned to the ballot box and the box shall be locked and sealed and with the poll list, deposited with the director. Every person or persons so declared elected to the office of school trustee or trustees shall, within five days after he or they have been declared elected, qualify by taking and subscribing the required oath of office and filing same with the director. The board of trustees shall pay all the expenses of such election from the contingent fund of the district and shall allow each inspector of election

Canvass, how conducted.

Ballots, disposition of.

When shall qualify.

Election expense, how paid.

the same compensation as is allowed to inspectors in city elections. Immediately after the announcement of the result of said election, said board of trustees shall proceed to the transaction of such other business as may properly come before the meeting.

General  
election laws  
to govern.

SEC. 8. The general election laws of the State shall govern in the election of trustees in this district, so far as the same may be applicable, and are not inconsistent with any of the provisions of this act.

Penalty for  
illegal voting.

SEC. 9. Any voter who shall violate any of the provisions of this act, or who shall attempt to cast more than one vote, or any person who votes at said election who is not legally entitled to so do, shall be deemed guilty of a misdemeanor and upon conviction therefor, shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding ninety days, or both such fine and imprisonment, in the discretion of the court.

This act is ordered to take immediate effect.

Approved May 8, 1907.

[No. 522.]

AN ACT to amend section four of title fifteen of the charter of the city of Grand Rapids, being act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the Board of Education and the Board of Library Commissioners," approved June six, nineteen hundred five.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section four of title fifteen of the charter of the city of Grand Rapids, being act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the Board of Education and the Board of Library Commissioners," is hereby amended so as to read as follows:

Members, how  
elected.

Who eligible  
to vote.

Election, how  
governed.

SEC. 4. The election of members of said board shall be upon the same ballot and in the same box as the election of the members of the board of education. All persons eligible to vote for school officers shall be eligible to vote for library commissioners. The result of the vote shall be canvassed and declared in the same manner as in the case of city officers. Except as herein otherwise provided the election of library commissioners shall be governed by the same rules as the election of member of the board of education.

This act is ordered to take immediate effect.

Approved May 8, 1907.

[No. 523.]

AN ACT to amend section three of title fourteen of the charter of the city of Grand Rapids, being act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the Board of Education and the Board of Library Commissioners," approved June six, nineteen hundred five.

*The People of the State of Michigan enact:*

SECTION 1. Section three of title fourteen of the charter of the city of Grand Rapids, being act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the Board of Education and the Board of Library Commissioners," is hereby amended so as to read as follows: Section amended.

S<sup>EC</sup>. 3. Any qualified school elector of the city shall be eligible to be chosen as board member, and if duly registered hereunder, to vote for board member, at such election. Every person who is a qualified elector of the city of Grand Rapids, and has resided in the ward in which he or she offers to vote at least twenty days next preceding such election and every other person who is twenty-one years of age and who is either the parent or legal guardian of any child included in the school census of the year next preceding such election, or who has, or within one year preceding such election has had, property liable to assessment in said city, and who also has resided for such time in such ward, shall be a qualified school elector. Nominations shall be by petition signed by not less than one hundred duly qualified school electors of the city, which petition shall be filed with the city clerk at least ten days before election. No petition which does not have such number of such signatures, shall constitute a valid nomination. At the same time and in the same general manner provided with reference to the charter election, the election commissioners shall prepare and have printed an official ballot, on which shall be placed the names of all who have been duly nominated for members of said board. In printing, the names shall first be arranged alphabetically and the first one hundred printed accordingly; then the name at the top shall be put at the bottom for printing the second one hundred, and a corresponding change shall be made with each succeeding one hundred printed. The election shall be by separate ballot in a separate box, but at the same time and place as the charter election and shall be conducted by the same inspectors, canvassed, reported and considered and Who eligible as board member.  
School elector, qualifications of.  
Nominations by petition.  
Ballot.  
Names, arrangement of.  
Election, canvass, etc., of.

Proviso.

Penalty for  
illegal voting.

treated as a part of such charter election in all particulars not otherwise specified: *Provided*, That the board of library commissioners shall be voted for on the same ballot and in the same box as the board of education. Voting or attempting to vote for board members at such election by one not legally entitled to vote therefor shall constitute the same offense, and shall be prosecuted and punished in the same manner, as casting or attempting to cast any illegal vote at a charter election.

This act is ordered to take immediate effect.

Approved May 8, 1907.

[No. 524.]

AN ACT to authorize and empower the common council of the village of Portland, in the county of Ionia and State of Michigan, to regulate, license and regulate the location of saloons for the sale of spirituous and intoxicating liquors within the village of Portland, and to limit the number of the same to one for each five hundred inhabitants or fraction thereof.

*The People of the State of Michigan enact:*

Saloons, may  
regulate, etc.

Proviso,  
license  
limited.

When to first  
obtain li-  
cense from  
council.

SECTION 1. The common council of the village of Portland, in the county of Ionia and State of Michigan, shall be and are hereby empowered to enact such ordinances, by-laws and regulations as they may deem desirable, for the purpose of restraining, regulating and licensing saloons for the sale of spirituous and intoxicating liquors, and to regulate and prescribe the location thereof, and to limit the number of saloons in said village to one for each five hundred inhabitants or fraction thereof: *Provided*, That the license prescribed by such common council shall not exceed five hundred dollars.

SEC. 2. When, at any time, said common council shall prescribe by ordinance that such saloons shall pay a license to the village of Portland, then, after such ordinance shall have taken effect, no person shall engage in or begin the business or occupation of keeping saloon for the sale of spirituous and intoxicating liquors within the village of Portland, nor shall the village council approve any bond thereafter presented, under act three hundred thirteen of the public acts of eighteen hundred eighty-seven, by any person already engaged in the business of operating such a saloon, until he is first licensed by the common council of the village of Portland, under such regulations and penalty as the common council of said village may lawfully provide.

This act is ordered to take immediate effect.

Approved May 8, 1907.



[No. 525.]

AN ACT to authorize the board of education of the city of Grand Rapids to institute and maintain, in the Superior Court of Grand Rapids, proceedings for the condemnation of private property for public use for school house sites, athletic fields and play grounds and for all purposes for which the board is, by law, authorized to acquire and hold property; and to prescribe the form of such proceedings.

*The People of the State of Michigan enact:*

SECTION 1. The board of education of the city of Grand Rapids is hereby authorized and empowered to institute and maintain proceedings for the condemnation of private property for public use for school house sites, athletic fields and playgrounds, within the corporate limits of said city, and for all the purposes for which said board is authorized by law to acquire and hold property, when the board shall have first declared the taking necessary for such use and that the same is for the use and benefit of the public. Such condemnation proceedings to be instituted and conducted in the Superior Court of Grand Rapids, in the manner provided for by, and to be governed by chapter ninety of the Compiled Laws relating to the taking of private property for public use, and by the provisions of the charter of the city of Grand Rapids vesting the power of eminent domain in the common council of said city.

Board  
authorized  
to condemn  
private  
property, etc.

Proceedings,  
where to be  
instituted,  
how  
governed.

This act is ordered to take immediate effect.  
Approved May 8, 1907.

[No. 526.]

AN ACT to incorporate the city of East Lansing in the county of Ingham, and to define its boundaries and powers.

*The People of the State of Michigan enact:*

## CHAPTER I.

SECTION 1. All the following described territory situated in the county of Ingham and State of Michigan, to-wit: Commencing at a point on the Lansing-Meridian town line, described as the northwest corner of section eighteen, town four north, range one west, running thence east on the north line of said section eighteen to the east line of the west half

Territory  
incorporated.

of the west half of the northwest quarter of the said section, thence south one hundred twenty-three rods, thence east twenty-five rods, thence south eighty-three rods to the center of the Lansing-Howell road, thence westerly on the center line of said road to a point described as the northeast corner of the Hedrick acre, thence south twenty rods on line of said acre, thence westerly along a line parallel to said center line eight rods to the east line of C. M. Chittenden's property, thence south to the south bank of Cedar river, thence easterly along said bank to the west line of section line highway, thence south on said west line to the division line between said section eighteen and section nineteen, town four north, range one west, thence west to the quarter line of said section nineteen, thence south along said quarter line to north line of section line highway, thence west along said north line of said highway to the Lansing-Meridian town line, thence north along said town line to a point seventy-eight rods north of the southeast corner of section thirteen, town four north, range two west, thence north sixty degrees, forty-five minutes west, twenty-two and four one-hundredths rods, thence north forty-nine degrees, fifty-four minutes west fifty-two and twenty-eight one-hundredths rods, thence due west, crossing the Cedar river to the north bank of said river, thence southerly along said river bank to the south line of lot thirteen of River Bend plat, thence west along said lot line to the center of Harrison avenue, thence north along the center of said avenue to the south line of Cedar Banks plat, thence west along said plat line to the west line of said plat, thence north along said west line to the center of Michigan avenue, thence west along the center of said avenue to J. H. Cowley's west line, thence north on said line forty rods, thence east twenty rods to L. Ehinger's west line, thence north along said west line to the center of Lansing-Howell road, thence easterly along center of said road to the quarter line of section thirteen, town four north, range two west, thence north along said quarter line to the north line of said section, thence east along section line to the point of beginning, shall hereafter be a city of the fourth class, known and designated as the city of East Lansing.

## CHAPTER II.

### WARDS.

One ward.

SECTION 1. The city of East Lansing shall contain but one ward, whose boundaries shall be co-incident with those of the city.

## CHAPTER III.

## OFFICERS.

SECTION 1. The following city officers, viz.: A mayor, city clerk, city treasurer, four aldermen, one supervisor and one justice of the peace shall be elected by the qualified voters of the whole city. City officers.

SEC. 2. At the first election held under this act, two of the said aldermen shall be elected to serve until the first Monday of April, A. D. nineteen hundred eight, and two to serve until the first Monday of April, A. D. nineteen hundred nine and until their successors shall be elected and qualified, and at the annual city election held on the first Monday in April, nineteen hundred eight, and each year thereafter, there shall be elected by the qualified electors of said city, two aldermen for the term of two years, and until their successors are elected and qualified. The other city officers provided for in section one of this chapter and elected at the first election held under this act, shall hold office until the first Monday of April, A. D. nineteen hundred eight, and until their successors are elected and qualified. First election, aldermen elected at.

SEC. 3. The following officers shall be appointed by the mayor, subject to the confirmation thereof by the common council: A city attorney, city marshal, who shall also perform the duties of constable, a street commissioner, city surveyor and such other officers as the council shall deem necessary for the execution of the powers granted by this act. Term of city officers first elected.

SEC. 4. The supervisor shall have all the powers and perform all the duties of supervisor as provided in act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and all acts amendatory thereof. Officers appointed.

## CHAPTER IV.

SECTION 1. One senior alderman, together with two electors to be appointed by the council, shall, except as otherwise provided, constitute the board of inspectors of election in each election district. The returns of the election shall be made to the common council and the results of the election be declared at the next meeting of the council held after such election. Inspectors of election.

Returns.

## CHAPTER V.

### DUTIES AND COMPENSATION OF OFFICERS.

Mayor and  
aldermen.

SECTION 1. The mayor and aldermen shall serve without compensation. Other officers herein provided for, to be elected or appointed, shall receive such compensation as may be provided for by ordinances enacted by the city council.

## CHAPTER VI.

### BOARD OF PUBLIC WORKS.

Duties vested  
in council.

SECTION 1. There shall be no board of public works, but all duties and functions provided for in act two hundred fifteen of the public acts of eighteen hundred ninety-five, as amended, for such board of public works, shall be vested in the common council.

## CHAPTER VII.

### FINANCES AND TAXATION.

Orders,  
how drawn.

Credit of  
funds.

SECTION 1. All the orders drawn on any fund shall specify the purpose for and the fund upon which such order is drawn, and shall be paid only for such purpose and out of such fund. No amount shall be placed to the credit of any fund until the money therefor shall actually be in the treasury.

## CHAPTER VIII.

### MISCELLANEOUS.

Franchise,  
how granted.

SECTION 1. No ordinance granting a franchise for the use and occupation of the public streets of said city shall become operative until the same has been duly passed by the common council of said city and submitted to and approved by a majority vote of the qualified electors of said city voting thereon at the regular city election or at a special election called by the council for that purpose.

Liquors.

SEC. 2. It shall be unlawful for any person, directly or indirectly, himself or by his clerk, agent or employe, to manufacture, sell, keep for sale, give away or furnish any vinous, malt, brewed, fermented, spirituous or intoxicating liquors, or any mixed liquor or beverages any part of which is in-

toxicating, or keep a saloon or any other place where any such liquors are manufactured, sold, stored for sale, given away or furnished in the said city: *Provided, however,* That the provisions of this act shall not apply to druggists or registered pharmacists, in selling any such liquors under and in compliance with the restrictions and requirements imposed upon them by the general laws of the State.

Proviso,  
druggists.

SEC. 3. Nothing in this act shall change in any respect the boundaries of the first and second representative districts of the county of Ingham as they exist prior to the passage of this act, and shall not change the manner of electing representatives in such districts. But the territory lying within the boundaries of the township of Lansing shall constitute the first election district and the territory lying within the township of Meridian shall constitute the second election district, and the results of the votes cast for representative in each of the said districts shall be certified separately by the common council.

Representa-  
tive districts  
not changed.

First and  
second  
election  
districts.

SEC. 4. In all matters not provided by this act, the city of East Lansing shall be governed by the provisions of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, as amended, entitled "An act to provide for the incorporation of cities of the fourth class."

Act  
governing.

SEC. 5. The first election of officers for the city of East Lansing shall be held on the second Tuesday of May, A. D. nineteen hundred seven, and a notice thereof and of the officers to be elected thereat shall be given and the election held and conducted, the votes canvassed, the results determined, and notice given to persons elected in the same manner and in the same time as provided in act number two hundred fifteen of the public acts of eighteen hundred ninety-five and amendments thereto. William J. Beal, Noah Snyder, Robert Kendall and James D. Towar, or a majority thereof, shall constitute a board of registration for said first election to be held in said city of East Lansing, and shall also act as inspectors of election at said first election. The said board of registration shall meet on the Saturday next preceding said first election and shall remain in session the same hours required of boards of registration for general elections, and register the names of all persons, residents of said city, presenting themselves for registration and having qualifications of voters provided for in act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and the amendments thereto. Due notice of the time and the place of which registration shall be given by said board by posting notices thereof in five public places in said city at least ten days previous to said meeting. Said inspectors shall give notice of the time and place of holding said first election in the manner provided for in section four of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and shall in all other respects perform the duties of inspectors of election as provided for in act number two hundred fifteen and amendments thereto.

First election,  
when held,  
act governing.

Registration  
board;  
election  
inspectors.

Registration,  
when held.

Notice given.

Inspectors to  
give notice of  
first election.

Assessment  
of property.

SEC. 6. The assessment of property and levying and collecting of taxes in the city of East Lansing for the year nineteen hundred seven shall proceed the same as though the said city had been organized prior to April one, nineteen hundred seven, and any assessments and levies made on the property in the said city by the supervisors of the townships of Lansing and Meridian shall be null and void.

In case  
registration  
and election  
not held.

SEC. 7. If, for any cause, registration and election are not held under the provisions of this act at the time herein provided, the said inspectors of election may call such election and registration at any time subsequent thereto by giving ten days notice as provided in this act.

State lands or  
property.

SEC. 8. The lands or property situate within the limits of said city and belonging to the State or under the control and supervision of the State Board of Agriculture, shall not be liable to taxation either for general or special purposes.

State Board of  
Agriculture,  
rules and  
regulations.

SEC. 9. The State Board of Agriculture shall have exclusive power to make and prescribe and enforce rules and regulations for the care, order and preservation of buildings or property dedicated and appropriated to the public use of the State and under the control and supervision of the State or the State Board of Agriculture, and to regulate the conduct of those coming upon such property, and to prescribe penalties for a violation thereof, in accordance with the general laws of the State.

Publication of  
ordinances,  
etc.

SEC. 10. Whenever, by the provisions of this act, it shall be necessary to publish any ordinance, resolution, notice or a publication of any kind in some newspaper, it shall be lawful to publish the same in some newspaper or newspapers printed, published and circulating in said city, or in the city of Lansing, in the county of Ingham: *Provided*, There is no such newspaper published in said city of East Lansing.

Proviso.

This act is ordered to take immediate effect.  
Approved May 8, 1907.

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[No. 527.]

AN ACT to amend sections eighteen, twenty-six and forty-eight in title four, sections nine, sixteen, nineteen and twenty in title eleven, and section six in title twelve of act number four hundred five of the local acts of the State of Michigan for the year eighteen hundred ninety-three, entitled "An act to reincorporate the city of Lansing in the county of Ingham, and to repeal all acts and parts of acts in conflict herewith," as subsequently amended, and to add four new sections to title three of said act to stand as sections twenty-two, twenty-three, twenty-four and twenty-five, and one new section to title six of said act to stand as section twelve, and to repeal section eleven in title five of said act.

*The People of the State of Michigan enact:*

SECTION 1. Section eleven in title five of act number four hundred five of the local acts of Michigan for the year eighteen hundred ninety-three, entitled "An act to reincorporate the city of Lansing in the county of Ingham, and to repeal all acts and parts of acts in conflict herewith," as subsequently amended, is hereby repealed, and sections eighteen, twenty-six and forty-eight in title four, sections nine, sixteen, nineteen and twenty in title eleven, and section six in title twelve of said act are hereby amended, and four new sections are hereby added to title three of said act, to stand as sections twenty-two, twenty-three, twenty-four and twenty-five, and one new section is hereby added to title six of said act to stand as section twelve, so that said amended sections and said added sections shall read as follows:

Sections  
amended and  
added.

## TITLE III.

SEC. 22. The common council shall have power by ordinance to provide that whenever voting machines shall be used in said city at any election at which any presidential elector, member of congress, member of the legislature, State, county, city or ward officer, or circuit judge is to be elected, or any proposed amendment to the constitution submitted to the electors of the State, the polls thereof shall be opened at seven o'clock in the forenoon, or as soon thereafter as may be, and shall be continued open until seven o'clock in the afternoon of the same day, and no longer.

Polls, opening  
and closing of  
when voting  
machines  
used.

SEC. 23. The aldermen of each ward, when eligible, and two electors of the ward to be appointed by the common council shall, except as in this act otherwise provided, constitute the board of inspectors of election. The senior alderman, and in his absence the junior alderman, if present and eligible, shall be chairman of said board of inspectors of election, and in case neither of the aldermen are present or eligible, said board shall elect one of its members chairman. If, by reason of the creation of more than one election district or precinct in any ward, or for any other reason there shall not be a sufficient number of the officers last named in any ward or precinct, it shall be the duty of the council, prior to the election, to appoint a sufficient number of inspectors who, with the officers above named, if any, residing in the ward, shall constitute a board of four inspectors for the ward or precinct; and if at any election any of the inspectors above provided for shall not be present or remain in attendance, the electors may choose, viva voce, such number of electors as, with the inspector or inspectors present, shall constitute a board of four in number, and such electors so chosen shall be inspectors at that election during the continuance there-

Board of  
election  
inspectors.

Chairman.

Where more  
than one  
election  
precinct in  
ward.

When electors  
may choose  
viva voce.

Compensation of inspectors.	of. Each inspector of election shall receive as compensation therefor the sum of thirty-seven and one-half cents per hour.
Clerks of election.	SEC. 24. Said board of inspectors, at or before the opening of the polls, shall appoint one or more electors residing in the ward as clerks of such election, and each of the clerks so appointed and each of the inspectors so chosen shall take the constitutional oath of office, which oath either of the inspectors may administer. Such inspectors and such clerks shall, so far as practicable, be so chosen that not more than half of such number of inspectors and clerks shall belong to the same political party. Clerks of election shall receive the same compensation as inspectors of election. Gate keepers shall receive twenty-five cents per hour.
Oath.	
Compensation.	
Health officer and sanitary inspector; terms.	SEC. 25. The mayor shall also, on the first Monday in May or as soon thereafter as may be, by and with the consent of the common council, appoint a health officer, also one sanitary inspector, who shall hold their respective offices during the pleasure of the mayor, unless removed by the common council by a two-thirds vote. Said health officer shall possess and exercise all the powers and authority vested in health officers of this State by the general laws thereof. Said sanitary inspector shall be ex-officio meat and milk inspector, and shall possess and exercise all the powers vested in meat and milk inspectors by the general laws of the State, and it shall be his duty to enter into and inspect all slaughter houses and all markets and other places where meat intended for consumption as human food is kept or offered for sale within the city, and shall have access to and inspect all vehicles in which such meat is transported or from which the same is sold, offered for sale or disposed of for said purpose; and may seize and condemn any diseased, spoiled or unwholesome meat found therein; and shall further investigate and report to the common council or board of health anything dangerous, offensive or unhealthy, or tending to cause or promote disease, or anything tending to cause a conflagration or dangerous on account of fire, and to make complaint before the justice of the peace of said city against the persons occasioning them or neglecting or refusing to abate, discontinue or remove the same, or against any person causing the streets to become littered with hay, straw, papers or other inflammable substances, or violating the ordinances of the city or laws of the State to which the duties of his office relate. Said sanitary inspector shall, in the discharge of his duties, possess all the powers of constables, and may detail any policeman of said city to assist him in the performance thereof; and shall exercise such other and such further authority as the common council shall by ordinance or resolution prescribe. Said sanitary inspector shall obey all lawful orders of the common council and board of health.
Power and authority of.	
Power of constable.	



## TITLE IV.

SEC. 18. The common council shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws, resolutions and regulations as they may deem advisable within said city for the following purposes:

Common  
council,  
power of.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vice and  
immorality.

Second, To apprehend and punish vagrants, drunkards, disorderly persons and common prostitutes;

Vagrants,  
disorderlies.

Third, To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them or neglecting or refusing to abate, discontinue or remove the same; and generally to determine and declare what shall be deemed nuisances;

Nuisances.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses and all places where persons resort for gaming, or to play at games of chance, and to punish the keepers thereof;

Disorderly  
houses.

Fifth, To regulate, license or prohibit and suppress billiard tables, nine or ten pin alleys or tables, and ball alleys and to punish the keepers thereof;

Billiards,  
etc.

Sixth, To prohibit and suppress every species of gaming and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Gaming.

Seventh, To regulate and suppress ale, beer and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof and all persons assisting in carrying on the business thereof, and to require all such places to be closed on the Sabbath and upon each other day during such hours of every night as the council shall prescribe, and shall have power by ordinance to limit the number of saloons or other places, except drug stores, where any spirituous, malt, brewed, fermented, vinous or intoxicating liquors are sold at retail in said city, to any number not less than one of such saloons or places for every one thousand inhabitants of said city or major fraction thereof, as shown by the last State or National census;

Ale and  
porter  
houses.

May limit  
number.

To prevent  
selling to  
drunkards,  
etc.

Eighth, To prohibit and prevent the selling or giving away of any spirituous, fermented or intoxicating liquors to any drunkards or intemperate person, minor or apprentice, and to punish any person so doing;

Circuses,  
exhibitions.

Ninth, To regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name or nature for which money or other reward is in any manner demanded or received, lectures on historic, literary, moral or scientific subjects excepted;

Sabbath  
desecration.

Tenth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day;

Auctions,  
street noises,  
etc.

Eleventh, To license auctioneers and regulate sales at auction, to regulate or prohibit the ringing of bells or the use of any other device to attract public attention for any auction sale; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property or anything at auction or by any manner of public bidding or offers by the buyers or sellers after the manner of auction sales or Dutch auctions, and to license the same and regulate the fees to be paid by and to auctioneers, but no license shall be required in cases of sales required by law to be made at auction or public vendue;

Pawnbrokers,  
transient  
tradesmen,  
etc.

Twelfth, To license and regulate pawnbrokers, junk dealers, dealers in second-hand goods and merchandise and transient tradesmen, the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in the streets or highways. Whoever loans money on deposit or pledges of personal property, or who purchases personal property or choses in action, on condition of selling the same back again at a stipulated price, is hereby defined and declared to be a pawnbroker.

Pawnbroker  
defined.

To license and regulate employment agencies and officers, intelligence offices, labor bureaus, and all persons whose business it is to find employment for others for hire or reward, to require references and bonds to be given by every person, company, corporation or association engaging in such business, before the same shall be licensed, in order that the public and persons dealing with such offices and agencies may be protected; to license and regulate bill posting, the putting up of advertising signs or matter, and the distributing of such matter in the city;

Bill posting,  
etc.

Pounds.

Thirteenth, To establish and regulate one or more pounds and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

Fourteenth, To regulate, license or prohibit the running Dogs.  
at large of dogs, to impose taxes on the owners of dogs and  
to prevent dog fights in the streets;

Fifteenth, To prohibit any person from bringing and de- Offensive  
positing within the limits of said city any dead carcass or substances.  
other unwholesome or offensive substances, and to require  
the removal or destruction thereof. If any person shall have  
on his premises such substances or any putrid meats, fish,  
hides, or skins of any kind, and on his failing to remove the  
same, to authorize the removal or destruction thereof by  
some officer of the city;

Sixteenth, To regulate and license all taverns and houses To license  
of public entertainment, all saloons, restaurants and eating taverns, etc.  
houses;

Seventeenth, To license and regulate all vehicles of every Vehicles for  
kind used for the transportation of persons or property for transportation.  
hire in the city;

Eighteenth, To provide for and regulate the inspection Inspection,  
and sale of meats, poultry, fish, butter, cheese, lard, vege- etc., of  
tables, flour, meat and other provisions, to regulate the fees provisions.  
to be paid by butchers for licenses: *Provided*, That nothing  
herein contained shall authorize the common council to re- Proviso,  
strict the sale of fresh and wholesome meats by the quarter, meat by  
within the limits of the city; quarter.

Nineteenth, To regulate the inspection, weighing and Lumber,  
measuring of brick and lumber, fire wood, coal, hay and any coal, etc.  
article of merchandise;

Twentieth, To provide for the inspection and sealing of Weights and  
weights and measures; measures.

Twenty-first, To enforce the keeping and use of proper Idem.  
weights and measures by venders;

Twenty-second, To regulate the construction, repair and Vaults,  
use of vaults, cisterns, areas, hydrants, pumps, sewers and cisterns.  
gutters;

Twenty-third, To prohibit and prevent in the streets or Indecency.  
elsewhere in said city indecent exposure of the person, the  
show, sale or exhibition for sale of indecent or obscene pic-  
tures, drawings, engravings, paintings, books or pamphlets,  
and all indecent or obscene exhibitions and shows of every  
kind;

Twenty-fourth, To regulate or prohibit bathing in the rivers, Bathing.  
ponds and streams in the city;

Twenty-fifth, To provide for cleaning the rivers, ponds and Salubrity of  
streams of the city, and the races connected therewith, of all waters.  
driftwood and noxious matter; to prohibit and prevent the  
depositing therein of any filthy or other matter tending to  
render the water thereof impure, unwholesome and offensive;  
to fill up all low grounds or lots covered with water, or to  
drain the same, as they may deem expedient;

Twenty-sixth, To compel the owner or occupant of any Unwholesome  
grocery, tallow chandler shop, soap or candle factory, butcher places.  
shop or stall, slaughter house, stable, barn, privy, sewer or

other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same, whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;

Combustibles  
or explosives.

Twenty-seventh, To regulate and prohibit the buying, selling and using of gunpowder, toy pistols, blank cartridges, giant crackers, fire crackers, cannon crackers, dynamite crackers, torpedoes, fireworks and all other combustible or explosive materials and the exhibition of fireworks and the discharge of firearms, and to restrain the making or lighting of fires and the firing, setting off or explosion of gunpowder, fire crackers, fireworks and all other combustible or explosive materials, and to prohibit all practices, amusements and doings in the streets and other public places in said city, having a tendency to frighten teams or horses, or dangerous to life or property, and to punish the persons indulging therein;

Cellars, slips,  
barns, etc.

Twenty-eighth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, privy, drain, sink, or privy thereon;

Mock  
auctions.

Twenty-ninth, To prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons, managing, using, practicing or attempting to use, manage or practice the same, and all persons aiding in the management or practice thereof;

Lotteries.

Thirtieth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintaining, directing or managing the same;

Solicitors for  
passengers,  
etc.; draymen,  
etc.

Thirty-first, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Paupers.

Thirty-second, To provide for the protection and care of paupers and to prohibit all persons from bringing to the city from any other place any pauper or other person likely to become a charge upon said city, and to punish therefor;

Census.

Thirty-third, To provide for the taking a census of the inhabitants of the city whenever the council shall see fit, and to direct and regulate the same;

Council,  
further  
authority of.

Thirty-fourth, And further, the council shall have authority to enact all ordinances, and to make all such regulations consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good

government of the city and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons or any corporation, for any purpose whatever;

Exclusive rights, etc., not to be granted.

Thirty-fifth, And further, the council shall have authority to require all thistles, burdocks, yellow docks and other objectionable or noxious weeds found growing on any public or private property within the city limits to be destroyed. It shall in all cases be the duty of the owner of each lot or parcel of land in said city to keep his said lot or parcel of land free and clear from all such weeds; and should such owner fail or neglect so to do, it shall be the duty of the superintendent of public works, without notice except as herein provided, to cause such weeds as may be found growing on any lot or parcel of land within said city to be destroyed at any time within thirty days from and after June fifteenth of each year or at such other time thereafter as the necessities of the case may require. And the actual cost of destroying such weeds shall be paid from the city treasury and reported by said superintendent of public works to the common council, which shall order the same assessed against the property on the next general assessment roll of the city. On the tenth day of June of each year, or as soon thereafter as may be, the superintendent of public works shall cause a notice, addressed to all property owners within the city of Lansing, requiring them to destroy all such weeds as shall be found growing on their respective lots or parcels of land within the city, forthwith, or that, in default thereof, such weeds will be destroyed under the direction of the superintendent of public works and the cost thereof assessed to the property. Such notice shall be printed in five successive issues of each daily newspaper published and circulating in the city of Lansing;

Noxious weeds.

Cost of destruction, how paid.

Notice to property owners.

Publication of notice.

Thirty-sixth, And further, the council shall have power to license telegraph and telephone companies and any person, firm or corporation authorized by the laws of this State to conduct the business of producing and supplying electricity for the purposes of heating and power, to erect poles in the streets and public places and place necessary wires thereon, and may require such wires to be placed in conduits under the streets, all subject to the regulations of the common council, and to charge a reasonable compensation therefor; but no such person, firm or corporation shall permit the electricity transmitted by means of wires, either in, over, along, across or under the streets of said city, to be used for lighting or illuminating purposes in said city: *Provided*, That this provision shall not prevent any such person, firm or corporation from supplying electricity for lighting the capitol, capitol grounds or other State institutions in said city.

May license and regulate telegraph, telephone, heating and power companies.

Proviso, lighting of capitol, etc.

SEC. 26. Every ordinance hereafter passed by the common council shall be published at least once in some newspaper published and circulating in the city of Lansing, and

Ordinances hereafter passed; publication of.

no such ordinance imposing a penalty shall take effect until one week after such publication.

Hospitals,  
work-houses,  
outside  
corporate  
limits.

SEC. 48. When the common council shall deem it for the public interest, grounds and buildings for the city prisons, work-houses, hospitals, pesthouses, cemeteries, waterworks and other necessary public uses may be purchased, erected and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, workhouses or hospitals. Patients having contagious diseases may be conveyed, under the direction of the board of health, health officer or city physician, to and from any detention hospital erected upon any grounds outside of the city limits, to the same extent and in the same manner as though located within the city.

Conveyance  
of patients  
having  
contagious  
diseases.

## TITLE VI.

Police and  
fire depart-  
ment funds.

SEC. 12. The common council shall have power by ordinance to provide that the amounts annually collected by taxation within the city for the maintenance of the police and fire departments of said city shall be credited by the treasurer to the police and fire department funds respectively, and shall remain to meet the liabilities incurred by the board of police and fire commissioners in and about maintaining the police and fire departments of said city, and shall not be withdrawn or used for any other purpose whatever; and further, that said board shall have power to fix the salaries or compensation of the officers mentioned in section seven of this title, and to pay such salaries from such funds; also, that said board shall have power to audit and allow all claims and accounts properly chargeable to said funds, but that in such cases such accounts and claims be itemized and verified as required in section seventeen of title four of this act; but that said board shall not at any time enter into any contract or contracts, or in any other manner pledge the credit of the city or assume or incur liabilities exceeding the amount so placed at the disposal of said board; that four members shall constitute a quorum for the transaction of business, and that all orders for the payment of moneys from said funds shall be drawn and signed by the clerk and countersigned by the presiding officer of said board.

Salaries, etc.

Claims and  
accounts.

Quorum.

## TITLE XI.

SEC. 9. Every corrected assessment so ratified and confirmed by the common council as aforesaid shall be final and

Corrected  
assessment

conclusive, and all such special taxes thus assessed shall at once become a debt to the city from the persons to whom they are assessed. Within ten days after such assessment shall have been so ratified, the mayor shall affix to such assessment and tax roll his warrant for the collection thereof, which warrant shall direct the treasurer to collect the same on or before the last day of such month as shall be prescribed by the resolution of the common council, which time shall be not less than forty days; and the said assessment and tax roll, with the warrant of the mayor annexed, shall be delivered to said treasurer within ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property in possession of the person chargeable with such tax: *Provided*, That whenever any sewer or pavement shall have been ordered constructed pursuant to the provisions of this act, or any act supplemental thereto, and any special assessment shall be levied therefor upon the lands specially benefited by such improvement, the common council shall have power by resolution, at or before the time of the order of the common council directing the mayor to attach his warrant to such special assessment roll for the collection of such taxes, to extend the time of payment of any such special assessments so that the same may be levied, collected and paid in three or five annual installments, as shall be determined by the common council in such resolution. If such special assessments be divided into three installments, one third, as near as may be, shall be levied by the assessors of such city upon the next succeeding tax roll, authorized by section seven of title twelve of this act, one third in one year and one third in two years thereafter. If such special assessments shall be divided into five installments, one fifth, as near as may be, shall be levied by the assessors of such city upon the next succeeding tax roll, one fifth in one year, one fifth in two years, one fifth in three years, and one fifth in four years thereafter. Such taxes, together with interest until paid at the rate of five per centum per annum from the time of the confirmation of such special assessment roll or from such date thereafter as shall be fixed by the common council, shall be collected by the treasurer of the city upon the warrant of the mayor in the manner herein provided. The city shall have a lien for the total amount of such taxes and interest, which shall attach to the property liable for the same, from and after the date of the warrant for the collection of the first installment thereof, and shall remain until the whole of such taxes is fully paid. The whole of any such tax, with interest until the time of payment, may be paid at any time after the ratification of the special assessment roll, notwithstanding such extension of time of payment. If the city shall have borrowed money and issued its bonds to pay for any pavement or sewer for which extension of time of payment of taxes therefor has been granted by the common council, such

Warrant,  
when  
affixed.

Tax roll,  
delivery of,  
to treasurer.

Proviso,  
special  
assessments,  
how may be  
paid.

Assessments,  
if divided,  
how levied.

Idem.

Tax and  
interest, how  
collected.

City to have  
lien.

When may  
pay whole tax.

In case bonds  
issued, tax  
paid yearly.

taxes to be annually paid, as in this section provided, shall be received and kept by the city treasurer in a special fund to be known as.....street paving or.....street sewer fund, as the case may be, and the taxes so collected and placed to the credit of said fund shall be used for the purpose of paying the bonds issued for said pavement or sewer, and for no other purpose, and shall be applied as the common council shall direct.

Non-resident  
and unoc-  
cupied lands.

Sidewalks,  
duty of  
owners as to.

In case of  
neglect, etc.

May assess  
expense; to  
be lien.

Owners liable  
for damages.

Notice of  
resolution.

Construction,  
by general  
contract, etc.

May bond for  
bridges,  
buildings, etc.

SEC. 16. The common council is authorized to assess the lands of non-residents and unoccupied lands of said city their just proportion of the expenses of all improvements in said city in the same manner, and the amounts so assessed may be collected in the same manner as assessments for improvements on other lands. It shall in all cases be the duty of the owner of every lot or parcel of land in said city to keep the sidewalks adjoining his lot or parcel of land in good repair, and also to remove and clear away all snow and ice and other obstructions from such sidewalks, and it shall be his duty to build sidewalks in front of or adjoining his premises. If any owner shall fail or neglect to construct a sidewalk adjoining his lot or parcel of land within such time, not less than thirty days, as the common council shall by resolution determine, after the same shall have been ordered by the common council, or shall fail to keep the said sidewalk in good repair, the common council may, without further notice, cause the same to be done, and said construction or repair may be paid for out of the contingent fund of said city, and the council may assess such expense as a special tax on such lands in the next general assessment rolls of said city, and such amount so added shall be a lien upon the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid or collected, the land may be sold therefor in the same manner as for general city taxes, and such owners so failing and neglecting to keep such sidewalk in repair shall be liable in an action brought by the city for all damages which the said city may have paid to any person who may have suffered any injury to himself or property by reason of such non-repair. Notice of the resolution of the common council requiring the construction of sidewalks shall be given by publication, personal service or otherwise, and all sidewalks built shall be made of such material, and be constructed in such manner and of such width as the common council shall, by a general ordinance, resolution or otherwise, direct. The common council shall have power to provide by ordinance for the construction and repair of sidewalks by general contract, or in such other manner as it shall determine.

SEC. 19. The common council is authorized to borrow on the faith of said city such sums of money, not exceeding seventy-five thousand dollars, for bridge purposes, and one hundred twenty-five thousand dollars for public buildings and grounds, as they may deem necessary, for a term not



exceeding twenty years, and at a rate of interest not exceeding six per cent, and for such purposes may issue the bonds of the city, signed by the mayor and countersigned by the clerk of the city, in such form and sums as the common council shall direct; such bonds shall be disposed of under the direction of the common council for a sum not less than their par value, and the avails thereof shall be applied for the purpose for which such money was raised and for no other purpose; but no such bonds shall be issued by the common council for such purposes unless the amount of such bonds shall have been determined by a majority vote of the tax paying electors of the city voting thereon at a meeting to be called and by a vote to be had and determined in the manner provided for in section six, title twelve of this act. The common council shall also have the right and is authorized, without such vote of the tax paying electors, whenever they deem it for the best interest of the city, to borrow, on the faith and credit of the city, money in a sum not to exceed one hundred fifty thousand dollars, for the purpose of defraying the expense of paving any street or streets in said city, and the sum of one hundred thousand dollars for the purpose of defraying the expense of constructing any sewer in said city, as well as that part of the expense which it is determined that the city at large shall bear as that portion of the expense assessed to adjoining or abutting property, or property deemed to be specially benefited, the time of payment of which is extended under the provisions of section nine in title eleven of this charter, and issue its bond therefor, bearing interest at a rate of not exceeding six per cent per annum, payable annually, which bonds shall be of such denomination and shall fall due at such time or times as the common council may direct, not exceeding twenty years from the date of their issue, and shall not be sold for anything less than the par value thereof; and no more than one hundred fifty thousand dollars of such paving bonds and one hundred thousand dollars of such sewer bonds shall be outstanding and unpaid at any one time. The common council shall not have the power to authorize new bonds to take up such original bonds, and the money so borrowed and the avails of the bonds so sold shall be applied to no other purpose. Such bonds shall be designated "City of Lansing Paving Bonds," or "City of Lansing Sewer Bonds," as the case may be.

Amount  
determined  
by electors.

Amount may  
borrow for  
paving, sewers  
etc., without  
vote of  
electors.

Outstanding  
bonds,  
amount  
limited.

Certain new  
bonds not  
authorized.

Bonds, how  
designated.

SEC. 20. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys within said city, except by permission and approval by the common council by resolution passed for that purpose; nor until such streets and alleys shall have been graded according to the plans and specifications of the city engineer of said city, approved by the common council by resolution adopted for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and the

Lands,  
plattling of.

Grading.

Survey.

Valid title.	subdivisions thereof, platted and subdivided, as approved by the common council and made to their satisfaction, showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots and streets of the city; nor unless the persons proposing to plat such lands have the complete, valid title thereto, and all lawful taxes, general or special, which have become a lien on said land, have been paid; and to enable the common council to determine the validity of such title and whether such taxes have been paid, it shall be the duty of the person so platting such lands to furnish to the common council the use of a complete
Abstract.	abstract of title to such lands, prepared by some reliable abstractor, and a complete tax history of such lands furnished by the Auditor General or county treasurer, together with the city treasurer's certificate showing whether all such taxes as have become a lien on said land have been paid; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of the register of deeds until a certificate has been indorsed thereon by the city clerk under the seal of the city, showing that such plat and dedication have been approved by the council; nor shall the city, by reason of such approval, be responsible for the improvement, care and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinance or resolution, as in this act provided.
Plat, when recorded.	
Streets, etc., responsibility of city for.	

## TITLE XII.

When council to determine amount of be raised for general purposes.

May levy not to exceed seven mills.

How apportioned.

SEC. 6. It shall be the duty of the common council on the fourth Monday in May of each year, or as soon thereafter as may be, to determine by resolution the amount necessary to be raised by tax for the following general purposes in said city, viz.: Contingent expenses, fire department, sewerage, paving, the erection of public buildings and the purchase of lands therefor, cemetery, bridges, interest and sinking fund, delinquent tax and general improvement fund, and for paying any liabilities which may have been incurred by said city. The common council may raise, by tax to be levied upon the real and personal property within said city, such amounts so determined, not exceeding seven mills on the dollar, exclusive of the principal and interest on the indebtedness of the city, on the assessed valuation of the real and personal estate within the limits of said city, according to the valuation thereof taken from the assessment rolls of that year, which amounts, determined as aforesaid, shall be apportioned among the several wards of the city according to the valuation of the property in the assessment rolls as equalized by the board of review of the city provided for in section three of this title, and the apportionment of the common council shall be entered at large on the record:

*Provided*, That by a three-fourths vote of all the members elect of the common council, they shall have power to increase the aggregate amount so to be raised to one per cent on the dollar of the assessed valuation of the city; and the common council, in addition to the other amounts herein authorized to be raised, shall determine the amount, not exceeding three mills on the dollar on the assessed valuation of the real and personal estate within the limits of said ward, according to the valuation thereof taken from the assessment rolls of that year, necessary to be collected in each ward respectively for ward and highway purposes; but all ward and highway taxes shall be placed to the credit of and expended in the ward in which they may be collected, and it shall be the duty of the assessors to levy the sums so apportioned to the respective wards upon the taxable property of each ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State. It shall be the duty of the city assessors to levy the sums apportioned to the respective wards for State and county taxes, and such other taxes as may be required by law, upon the taxable property of each ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of the State. Whenever the common council shall deem it necessary to raise a greater sum in any one year than the amount specified and limited in this section, they may call a meeting of the resident tax payers of said city, by giving at least ten days' notice in writing or printed hand-bill, to be posted up in six public places in said city, and by publishing said notice in one or more of the newspapers published in the city, which notice shall state the time and place of said meeting, the amount of money to be raised, and the purposes for which it is to be expended, and when said meeting shall be held in pursuance of such notice, it shall be holden from one o'clock p. m. and kept open until seven o'clock p. m. of the same day, and such tax payers, by ballot, shall determine whether the money shall be raised for the object specified in said notice: *Provided*, That such tax voted at any such meeting shall not in any one year exceed one per cent upon the assessed valuation of the real and personal property taxable within the city, unless otherwise provided in this act; and at all such meetings the common council shall appoint a board of inspectors from their own number, to consist of not less than two members, who shall open, conduct, close and determine the result in the same manner that elections for city officers are conducted under or by virtue of this act.

Proviso,  
vote required  
to increase  
aggregate.

Ward and  
highway  
taxes, how  
credited, etc

State and  
county taxes.

Proceedings  
when greater  
sum to be  
raised than  
specified, etc

Proviso, tax  
not to exceed  
certain  
amount.

Board of  
inspectors.

This act is ordered to take immediate effect.

Approved May 8, 1907.

[No. 528.]

AN ACT to authorize the village of Evart, in the county of Osceola, to borrow money and issue its bonds therefor, for the purpose of making certain public improvements.

*The People of the State of Michigan enact:*

May borrow  
money for  
sewer system.

SECTION 1. The village of Evart in the county of Osceola is hereby authorized to borrow on its faith and credit not to exceed the sum of forty thousand dollars, to be expended under the direction of the board of trustees of said village in the construction of a system of sewers for said village.

Question  
submitted.

SEC. 2. Before any such loan shall be made or bonds issued, the board of trustees of said village shall, by resolution, provide for the submission of the question of making such loan and issuing such bonds to a vote of the qualified electors of said village. Said question shall be submitted at some regular or special election called and held according to the provisions of the act under which said village is incorporated. The form of the ballot to be used at such election shall be as follows:

Ballot,  
form of.

Shall the village of Evart borrow \$40,000 and issue its bonds therefor, to be used in the construction of a sewer system? Yes.

Shall the village of Evart borrow \$40,000 and issue its bonds therefor, to be used in the construction of a sewer system? No.

Election,  
how governed.

The notices, manner of conducting, canvass and returns of such election shall be the same, as nearly as may be, as provided in the said act of incorporation in case of regular or special elections held in said village.

Bonds, when  
issued.

SEC. 3. If a majority of the qualified electors of said village voting on said proposition shall be in favor thereof, then the board of trustees of said village may issue the bonds of said village, in such denominations as it may deem best, at such rate of interest not exceeding the legal rate as it may determine necessary, payable at such times and places not exceeding thirty years from their date as may be most expedient. Such bonds shall be signed by the president and clerk of said village and sealed with the village seal. The bonds shall be negotiated by and under the direction of said board of trustees and the proceeds shall be expended for the purposes aforesaid under the general supervision and direction of said board of trustees.

Negotiation.

Tax levy.

SEC. 4. It shall be the duty of the board of trustees of said village of Evart to raise by tax, on the taxable property of said village, all such sums from time to time as may be necessary to pay both the principal and interest of said bonds as they may fall due.

This act is ordered to take immediate effect.

Approved May 8, 1907.

## [No. 529.]

AN ACT to authorize the city of Petoskey, in Emmet county, to purchase and receive conveyance by good and sufficient warranty deed of a certain tract of land, to be used for public improvements.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of Petoskey, Emmet county, Michigan, is hereby authorized to purchase and receive a good and sufficient deed or deeds, in the name of the city of Petoskey, at a price of not to exceed the sum of one thousand nine hundred fifty dollars, of the following described tract of land, to-wit: Commencing twenty-five rods south of the northwest corner of the northeast quarter of the northeast quarter of section seven, in township thirty-four north of range five west; thence running south fifteen rods; thence east to the center of the highway called Standish avenue; thence northwesterly along the center of Standish avenue, so-called, to a point directly east of commencement; thence west to the place of beginning, excepting the right of way heretofore conveyed to the Grand Rapids and Indiana Railroad Company; also excepting two rods formerly given for right of way for a highway on the east side of the land above described. Said land, when so conveyed to the city of Petoskey, shall be used for public improvements in said city, in such manner as the common council thereof shall deem for the best interests of said city.

Authority to  
purchase  
land.

Tract  
described.

Land,  
how used.

SEC. 2. The common council of said city is hereby authorized to cause to be levied on the taxable property of the city such a sum of money, not exceeding the amount above provided, as may be necessary to pay the purchase price of said tract of land.

Levy  
authorized.

This act is ordered to take immediate effect.

Approved May 8, 1907.

## [No. 530.]

AN ACT to provide for the creation of a board of county auditors for the county of Cheboygan, to prescribe its powers and duties and to fix the compensation of its members.

*The People of the State of Michigan enact:*

SECTION 1. There is hereby created a board of auditors for the county of Cheboygan to consist of three members.

Board of  
auditors.

Number of, when elected.	At the first regular or special meeting of the board of supervisors of Cheboygan county after this act takes effect, said board shall elect three suitable citizens of said county as such auditors, to hold office until the first day of January, nineteen hundred nine, or until their successors are elected and qualified. In case of the neglect or refusal of said board of supervisors to make such election, the appointment of such auditors may be made by the judge of probate, prosecuting attorney and county clerk of said county. On the first Tuesday after the first Monday in November, nineteen hundred eight, there shall be elected on the county ticket of said county three electors of said county to constitute such board, one for the term of six years, one for the term of four years and one for the term of two years, and every two years thereafter there shall be elected in said county, at the regular county election, one member of said board for the regular term of six years. The members of said board, so elected, shall take their offices at the same time as other county officers.
When supervisors neglect, etc., election.	
When elected on county ticket; term.	
When to take office.	
Vacancies.	Vacancies in the office of county auditor shall be filled by appointment by the board of supervisors, every such appointee to hold office until the election of his successor at the next regular election. No person holding any other office or employment under the county of Cheboygan, or the city of Cheboygan, no member of the board of supervisors and no person not an elector of said county shall be eligible to election or appointment as member of said board.
Eligibility.	
To meet and organize.	SEC. 2. At some time to be fixed by the county clerk within ten days after the first appointment of members of the board, the said board shall meet and organize by the election of one of its number as chairman: <i>Provided</i> , That from and after January first, nineteen hundred nine, the auditor whose term of office soonest expires shall be the chairman of said board.
Proviso, chairman.	
Clerk of board.	The county clerk of Cheboygan county shall be ex-officio clerk of the board of auditors. The chairman, when present, shall preside over the meetings of the board. The clerk of the board shall have charge of all letters, papers and documents belonging to the board, and shall keep a record of all business transacted by said board and minutes of the proceedings of all meetings held, including a list of the claims presented and the action of the individual members thereon.
Compensation.	The compensation of members of said board shall be three dollars per day for the time actually and necessarily spent by them in the transaction of the business of the board, and six cents for each mile necessarily traveled in going to and returning from the place of meeting: <i>Provided</i> , That no member of such board of county auditors shall receive pay for more than thirty-six days in any one year. Any two members of the board shall constitute a quorum for the transaction of business.
Proviso, pay limited.	
Quorum.	
Office designated.	SEC. 3. The office of the county clerk of Cheboygan county is hereby designated as the office of the board of auditors

of said county, and when the board is not in session the clerk shall receive, file and be custodian of all books, papers and documents belonging to or intended for said board and deliver them for examination within the office on demand to any member of the board. Said board shall meet on the first Monday of each month for the transaction of business and remain in session from nine o'clock a. m. until twelve o'clock m., and from one o'clock p. m. until five o'clock p. m. each day, until the business of the board is finished. The board at such meetings shall hear, examine and adjust all claims against the county of Cheboygan, and the sum so fixed and defined shall be subject to no appeal.

County clerk,  
duty of.

Meetings,  
when held.

Duty of board.

SEC. 4. No claim against the county of Cheboygan shall be paid by the county treasurer, until it shall have been duly audited and allowed by the said board of auditors, and payment of an audited claim shall be made only upon a warrant duly signed by the chairman of the board and countersigned by its clerk, except in the case of jury and witness fees, primary school moneys and such other funds as may come into the hands of said treasurer, which are created by and disbursed under special statutes relating thereto: *Provided, however,* That said board may allow the county board of superintendents of the poor a petty cash account of not exceeding one hundred dollars. Any violation of the provisions of this section shall, upon conviction thereof, be punished by a fine of not exceeding one thousand dollars or by imprisonment not exceeding two years, or by both such fine and imprisonment in the discretion of the court.

Claims,  
when paid.

Exceptions.

Proviso,  
superintendents of poor.

Penalty for  
violation.

SEC. 5. The said board shall have power, and it is hereby expressly authorized and directed:

Power of  
board.

First, To audit all claims which are chargeable against Cheboygan county, and to draw warrants therefor, duly signed by its chairman and countersigned by its secretary, but no warrant shall be drawn or issued by said board except for the amount of a just claim against said county which has been duly allowed by said board;

Claims.

Second, To purchase such books, stationery, blanks, printed matter and general supplies as shall be necessary for the use of the county and its officers and the circuit court;

Stationery,  
general  
supplies.

Third, To examine the books and accounts of all county officers. The said board may, as often as it deems necessary require the accounts and vouchers of any county officer to be presented for examination. Whenever any moneys are paid to the county treasurer by an officer or agent of Cheboygan county, such officer or agent shall take a duplicate receipt therefor, which shall be filed forthwith in the office of said board, and said treasurer shall, at the end of each month, and at such other times as may be required by said board, report to said board all moneys received by him from and after the time of making his last report;

Books and  
accounts.

Fourth, To require any county officer to make a report under oath on any subject or matter connected with the

Reports un-  
oath.

duties of his office. Any person violating the provisions of this subdivision shall upon conviction thereof be punished as provided in section four of this act.

Bonds,  
approval of.

Fifth, To approve any and all official bonds in which the county may be interested, the approval of which is not otherwise provided by law;

Legality, etc.,  
of claims.

Sixth, To summon witnesses, administer oaths and take testimony as to the legality or justness of any bill or claim pending before said board;

Publication of  
claims passed  
upon.

Seventh, To publish in the official paper of the county, on or before the fourth Tuesday of each month, a statement signed by the clerk of all claims against the county passed upon by the board during the month, the amount thereof, by whom presented and whether allowed or disallowed in whole or in part;

Annual  
detailed  
estimate.

Eighth, To prepare annually before the second Tuesday in October a detailed estimate of the necessary expenses of the county for the ensuing calendar year, together with an estimate of the probable receipts of the county from all sources other than taxation. These estimates shall be presented to the board of supervisors at its annual session on the second Tuesday in October, with the recommendation of said board of auditors as to the amount of money necessary to be raised by taxation for the several purposes of county expenditure.

Members not  
to be  
interested in  
contract, etc.

SEC. 6. No member of said board of auditors shall be directly or indirectly interested in any contract with Cheboygan county which may involve the expenditure of any county moneys, or in the sale of supplies to said county, or in the performance of any paid service for said county other than his services as a member of the said board.

Prosecutor,  
adviser of  
board.

SEC. 7. The prosecuting attorney of the county of Cheboygan shall be the legal adviser of said board of auditors, and shall, on his own motion, investigate the findings of said board whenever, in his opinion, the public service will be benefited thereby, and shall institute criminal proceedings against the members of said board or any of them, for malfeasance or misfeasance in office.

Collusion,  
etc., a  
misdemeanor.

SEC. 8. Any member of said board of auditors who shall enter into collusion with any claimant or with any other person or persons to defraud said county, or shall wilfully violate any provision of this act or shall wilfully or grossly neglect the duties of his office, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as provided in section four of this act. The conviction of any auditor for the violation of any of the provisions of this act shall operate as a vacation of his office.

Vacation of  
office.

Oath.

SEC. 9. Before entering upon his official duties each member of the board of auditors shall take and subscribe the constitutional oath of office and file the same in the office of the county clerk.



SEC. 10. All acts or parts of acts in conflict with or in  
anywise contravening any of the provisions of this act are  
hereby repealed. Repealing  
clause.

This act is ordered to take immediate effect.

Approved May 8, 1907.

[No. 531.]

AN ACT to amend section fifteen of an act, entitled "An act  
to reincorporate the city of Mason" being act number two  
hundred seventy-two of the local acts of eighteen hundred  
ninety-one, and to add thereto three new sections to stand  
as sections eighteen, nineteen and twenty.

*The People of the State of Michigan enact:*

SECTION 1. Section fifteen of an act, entitled "An act to  
reincorporate the city of Mason," being act number two hun- Act  
amended.  
dred seventy-two of the local acts of eighteen hundred ninety-  
one, be and the same is hereby amended, and that three new  
sections be added thereto to stand as sections eighteen, nine-  
teen and twenty. Said amended and added sections to read  
as follows:

SEC. 15. Said city of Mason shall in all things not herein Governing  
act.  
otherwise provided, be governed by, and its powers and duties  
be defined by an act, entitled "An act for the incorporation  
of cities," approved April twenty-nine, eighteen hundred sev-  
enty-three, except as said act, in its application to said city  
of Mason shall be amended or repealed: *Provided*, That Proviso.  
whenever the words, "Street Commissioner," occur in said  
act, in its application to this act, they shall read "City Mar-  
shal," and whenever the words "City Collector" occur in said  
act, they shall read "City Treasurer."

SEC. 18. The common council is authorized to assess the Assessment of  
non-resident,  
etc., lands for  
improvements.  
lands of non-residents, and unoccupied lands of said city  
their just proportion of the expenses of all improvements in  
said city in the same manner, and the amounts so assessed  
may be collected in the same manner, as assessments for  
improvements on other lands. It shall in all cases be the Sidewalks.  
duty of the owner of every lot or parcel of land in said city  
to keep the sidewalks adjoining his lot or piece of land in  
good repair, and also to remove and clear away all snow and  
ice and other obstructions from such sidewalks and it shall  
be his duty to build sidewalks in front of or adjoining his  
premises. If any owner shall fail or neglect to construct a  
sidewalk adjoining his lot or parcel of land, within such Failure to  
keep in  
repair.  
time, not less than ten days, as the common council shall  
by resolution determine, after the same shall have been ordered

	by the common council, or shall fail to keep the said sidewalk in good repair, the common council may, without further notice, cause the same to be done, and said construction or repair may be paid for out of the contingent fund of the city, and the council may assess such expense as a special tax on such lands in the next general assessment rolls of said city, and such amount so added, shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid or collected, the land may be sold therefor in the same manner as for general city taxes, and such owners so failing and neglecting to keep such sidewalk in repair, shall be liable in an action brought by the city for all damages which the said city may have paid to any person who may have suffered any injury to himself or property by reason of such non-repair. All sidewalks built shall be made of such material, and be constructed in such manner and of such width, as the common council shall, by a general ordinance, resolution or otherwise direct. The common council shall have power to provide by ordinance for the construction and repair of sidewalks by general contract, or in such other manner as it shall determine.
Material, etc.	
May ordain general contract.	
May issue bonds, for improvements.	SEC. 19. The common council of said city of Mason shall have the power to borrow on the faith and credit of said city and issue bonds or other evidences of indebtedness therefor for the purpose of building, repairing, constructing, or erecting public buildings or other public utilities or property, or for the purchase of ground therefor, or for any other public improvements or purposes: <i>Provided</i> , That the total bonded indebtedness of said city, over and above its interest and sinking fund shall not exceed fifty thousand dollars: And <i>Provided further</i> , That a majority of the electors of said city voting at any annual or special election to be called for such purpose shall vote in favor of such loan or loans and the issuing of such bonds or evidences of indebtedness. The council shall prescribe the form of ballot for all elections held under this section and the same shall be conducted, and the votes canvassed, certified and returned as near as may be as is now provided by law for elections in said city. If such loan or loans are authorized by a majority of the electors so voting thereon, said bonds or other evidences of indebtedness may be issued under the direction of the council, and the same shall be signed by the mayor and clerk of said city and sealed with the seal thereof. Said council shall have power to negotiate the same and to appropriate the money arising therefrom for the purpose for which it was raised; and the common council of said city shall have the power and it shall be its duty to raise by tax upon the taxable property of said city such sum or sums of money as shall be necessary to pay the amount of such indebtedness and the interest thereon as the same shall become due and
Proviso, indebtedness limited.	
Further proviso, majority vote.	
Ballots, canvass, etc.	
Negotiation of loan.	
Tax levy.	

mature. Nothing herein contained shall be construed to limit, abridge or restrict the powers of the common council of said city to raise money for general public purposes or to extend the time of payment of bonds falling due by issuing new bonds in their place according to the present charter provisions of said city. Power of council not restricted, etc.

SEC. 20. The common council of said city shall have power to authorize any person, firm or corporation to furnish said city, or the inhabitants thereof, with light, power, heat or other public conveniences and utilities on such terms and conditions, and subject to such regulations as said council may prescribe; and said council shall have power to enter into contract extending over a term of years with any such person, firm or corporation relative to any of the matters hereinbefore mentioned. Improvements, contracts for.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved May 8, 1907.

[No. 532.]

AN ACT to authorize and empower the board of trustees of the village of Perry in Shiawassee county, Michigan, to accept surety company bonds in lieu of the bonds required of liquor dealers under act three hundred thirteen of the public acts of eighteen hundred eighty-seven; to limit the number of saloons which may be licensed in said village, and to fix their location.

*The People of the State of Michigan enact:*

SECTION 1. The board of trustees of the village of Perry in Shiawassee county, Michigan, is hereby authorized and empowered to accept in lieu of the bonds required of liquor dealers under the provisions of act number three hundred thirteen of the public acts of eighteen hundred eighty-seven, the bond of the principal and any reliable surety company which is or shall be authorized by the Insurance Department of this State to do business in Michigan. May accept surety company bonds.

SEC. 2. There shall be but one saloon licensed by the board of trustees of the village of Perry to engage in the business of manufacturing, selling, keeping for sale, furnishing, giving, or delivering spirituous and intoxicating liquors, and malt, brewed, or fermented liquors and vinous liquors, in the said village until the population thereof, according to the last preceding State or Federal census, shall exceed fifteen hundred, when the said board of trustees may license two saloons. Number of saloons limited.

Location  
specified.

SEC. 3. So long as there shall be but one saloon in the village of Perry under the provisions of this act, its location shall be in the building on lots four, five and six in block three, in said village, so long as said building is used for hotel purposes: *Provided*, That in the case of destruction of said building or its use for other or different purposes than a hotel, then the board of trustees of said village may, by resolution, specify another location for the said saloon.

Proviso.

This act is ordered to take immediate effect.

Approved May 8, 1907.

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[No. 533.]

AN ACT to confer additional powers upon the common council of the village of Caro, Tuscola county, for the regulation of the traffic in spirituous, malt, brewed and vinous liquors as a beverage within said village.

*The People of the State of Michigan enact:*

Council,  
additional  
powers of.

SECTION 1. The common council of the village of Caro, Tuscola county, is hereby authorized and empowered to determine the number of places where intoxicating liquors as a beverage are to be sold within the corporate limits of said village, and to locate the place or places where such business shall be conducted.

May examine  
as to character,  
etc., and  
refuse bond.

SEC. 2. The common council of said village of Caro is hereby authorized to examine and determine as to the character, habits and fitness of any person or persons wishing to engage in the business of selling intoxicating liquors as a beverage, within the corporate limits of said village, and may refuse to accept the bond of such person or persons if, in their judgment, the character and habits of such person or persons are such as to render them unfit to conduct such business.

This act is ordered to take immediate effect.

Approved May 8, 1907.

[No. 534.]

AN ACT to incorporate the village of Grosse Pointe Park,  
in the county of Wayne and State of Michigan.

*The People of the State of Michigan enact:*

SECTION 1. All of that territory situate in the township of Grosse Pointe, in the county of Wayne and State of Michigan, and being all that plot of land lying and beginning at a point five hundred feet south and two hundred feet east of the center of Mack Road and Alter Road, and running southerly parallel with Alter Road to the channel bank of Lake St. Clair; then easterly along the channel bank of Lake St. Clair to a point in the center of private claim five hundred eighty-five, which point would be in the center of Cadieux Road, if continued to the lake; thence northerly, commencing at the channel bank of private claim five hundred eighty-five to intersect the center line of Cadieux Road north, and the center of Cadieux Road to a point five hundred feet south of Mack Road; thence westerly parallel with center line of Mack Road and five hundred feet south of Mack Road to the place of beginning, being two hundred feet east of the Alter Road; said territory being bounded on the north by the township of Grosse Pointe, on the south by Lake St. Clair, on the east by the village of Grosse Pointe and on the west by the city of Detroit, containing one thousand acres, more or less, is hereby organized, incorporated, made and constituted a village to be known as Grosse Pointe Park. Territory incorporated.

SEC. 2. The inhabitants of said village shall be and constitute a body corporate and politic to be known and distinguished by the name and title of the village of Grosse Pointe Park. Said village shall be vested with all the powers and privileges and subject to all the restrictions and liabilities of villages organized under an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and all acts amendatory thereof and in addition thereto. Body corporate.  
Powers and liabilities.

SEC. 3. The first election of village officers shall be held upon Tuesday, the fourteenth day of May, nineteen hundred seven, and in the building known as the office of Robert Trombly, situated at the corner of Jefferson and Trombly avenues in said village. First election.

SEC. 4. Dr. Louis E. Maire, Robert Trombly, Charles Paye, John Phillips and Archibald Michie are hereby constituted a board of election commissioners for the first election to be held in the said village, and to be and act as inspectors of election of said first election. Said board is hereby directed to meet on Saturday next preceding the date herein fixed for the said election in the said office of Robert Trombly, situated at the corner of Jefferson and Trombly avenues in Election officers.  
Registration.

- the said village of Grosse Pointe Park, at nine o'clock in the morning and be and remain in session until eight o'clock p. m. of said day, for the purpose of registering the names of all persons residents of said territory herein proposed for incorporation, who shall present themselves for registration and who shall have the qualifications of voters at township meetings under the constitution and laws of the State.
- Notice given. Written notices of meeting of said board of registration shall be posted in three of the most public places in said village at least five days before the date of meeting of said board of registration as herein provided; said notices shall be signed by the board of registration herein made and constituted.
- Election notices. SEC. 5. Written notices of said first election of officers of said village shall be posted in three of the most public places in said village at least five days before the date of said election, which said notices shall be signed by the election inspectors herein provided.
- Act governing. SEC. 6. The said village of Grosse Pointe Park shall in all things not herein otherwise provided, be governed by the said act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and all acts amendatory thereof and in addition thereto.
- In case officers not elected. SEC. 7. In case that the officers of said village shall not be elected at the time designated in section three of this act, the election for said village officers may be held at any time within one year after the time designated in said section, notices thereof of the registration therefor being given as provided in sections four and five of this act.
- This act is ordered to take immediate effect.  
Approved May 8, 1907.

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[No. 535.]

AN ACT to regulate and license in Luther village, in addition to the State license for the same, all saloons in which spirituous, fermented and intoxicating liquors are sold as a beverage, and to give to the common council of Luther village power to regulate and prescribe the location of such saloons, and to limit and restrict the number of saloons or places for the sale of fermented or intoxicating liquors within the said village of Luther, and to authorize said common council to provide that no license shall be granted to any person for the sale of such liquors unless he be of good moral character.

*The People of the State of Michigan enact:*

SECTION 1. It shall be unlawful to keep any saloon or bar in said village, in which spirituous, fermented or intoxicating liquors are sold as a beverage, unless the person desiring to keep such a saloon within said village shall, before entering upon such business, make an application in writing therefor to the said common council, specifying the location of the building in which he intends to keep such a saloon. Such application shall be accompanied by a recommendation signed by at least six reputable citizens, that the applicant for such license is well known to them and has a good reputation. If, in the opinion of the said common council, such applicant shall not be a person of good moral character, it shall refuse to grant the application for such license.

Village  
license.

Application.

Council,  
when may  
refuse.

SEC. 2. After an application for a license shall have been approved by said common council and before a license shall be issued, said applicant shall pay into the treasury of the village of Luther, for the use of said village, in addition to the license fee now provided by statute, such sum as may be determined by ordinance or resolution of the common council.

Amount paid  
into village  
treasury.

SEC. 3. Said common council may provide, by resolution, the limits in which saloons for the sale of spirituous, fermented or intoxicating liquors, as a beverage, may be located: *Provided*, That nothing herein contained shall be construed to affect the location of saloons existing and doing business in said village at the time of the passage of this act.

Saloon limits.

Proviso.

SEC. 4. Any person or persons violating any of the provisions of this act or of any resolution of the said common council, adopted in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than two hundred dollars and cost of prosecution, or by imprisonment in the county jail not less than ten nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

Penalty for  
violation.

This act is ordered to take immediate effect.

Approved May 14, 1907.

[No. 536.]

AN ACT to amend section twenty-seven of an act, entitled "An act relative to free schools in the city of Detroit," approved February twenty-four, eighteen hundred sixty-nine, and acts amendatory thereof.

*The People of the State of Michigan enact:*

SECTION 1. That section twenty-seven of an act entitled "An act relative to free schools in the city of Detroit," ap-

Section  
amended.

proved February twenty-four, eighteen hundred sixty-nine, and acts amendatory thereof, is hereby amended to read as follows:

Teachers'  
retirement  
fund.

SEC. 27. The board of education of the city of Detroit shall establish what shall be known as the public school teachers' retirement fund, which fund shall be administered according to such rules and regulations, by-laws and ordinances as may be adopted by the board of trustees herein-after provided for, not inconsistent herewith. Said fund shall consist of:

Permanent  
fund.

(a) A permanent fund, which shall consist of:

First, All moneys received from donations, legacies, gifts, bequests and other contributions designated for said permanent fund;

Second, All moneys appropriated by the board of education or raised therefor by the approval of the common council and board of estimates;

Third, All moneys authorized by this act to be paid into said fund from tuition fees of non-resident pupils and from moneys received and designated as interest on daily balances of all moneys appropriated and collected for the payment of salaries of teachers;

Fourth, All moneys which the board of trustees hereinafter provided for may deem proper to transfer from time to time from the general fund hereinafter provided for. The interest only of this permanent fund shall be used in the payment of annuities, and for that purpose said interest shall be turned over to the general fund hereinafter provided for.

General  
fund.

(b) A general fund, which shall consist of:

First, All moneys received from deductions made by the board of education from the salaries of teachers in the public schools of said city, which deduction shall be not less than one per cent nor more than three per cent annually of the salary of each teacher: *Provided*, That no deduction shall be made from the salary of any teacher on an amount greater than one thousand dollars;

Proviso.

Second, All interests or income derived from said general fund;

Third, All money, pay, compensation or salary, or any part thereof, deducted or withheld from any teacher or teachers on account of absence from duty, or any cause in accordance with the provisions of the rules of the board of education;

Fourth, All other moneys intended for the retirement fund and not already specified.

Board of  
trustees,  
term, etc.

The board of trustees shall consist of the president of the board of education, the president pro tem of the board of education, the chairman of the committee on teachers and schools of the board of education, the superintendent of schools of the city of Detroit, and three teachers of the public schools of the city of Detroit, to be selected by ballot in such manner as said board of trustees shall prescribe, by the teachers who contribute a percentage of their salaries to said



fund. The term of office of the representatives of the teachers after the first election shall be three years, one to be elected each year. At the first election one representative shall be elected for one year, one for two years, and one for three years. The treasurer of said board of education shall be treasurer of the board of trustees, and shall hold all moneys belonging to said funds and shall pay out the same under the direction of the board of trustees and the board of education as hereinafter provided. The board of education shall, on recommendation of said board of trustees, determine the amount to be deducted from the salaries paid to teachers as aforesaid. Said board of education shall have charge of and administer said permanent fund, and shall have power to invest the whole or any part of the same in the name of the board of trustees in such mortgages, bonds or other securities as are now or hereafter may be provided by law for the investment of savings deposits in banks organized under the laws of this State. Said board of trustees shall have power to make payments from the general fund of annuities granted in pursuance of this act, and for no other purpose, and shall from time to time make and establish such rules and regulations, by-laws and ordinances for the administration of said fund as they shall deem best. And said board of trustees may provide for honorary membership in the board of trustees for donors to the permanent fund, such honorary members not to have a vote in transacting the business of the board. On and after the passage of this act said board of education shall so amend its rules or by-laws relating to the absence of teachers from duty as to provide that reasonable sums shall be deducted from the salaries of teachers on account of such absence from duty, and said sums shall be transferred to and become a part of said general fund; likewise said board of education shall so amend its rules or by-laws relating to fees received from non-resident pupils as to provide that all moneys received from non-resident pupils for tuition shall be transferred to and become a part of said permanent fund to be established and administered as herein provided; likewise said board of education shall appropriate and transfer to said permanent fund all money or moneys received and designated as interest on daily balances of all moneys appropriated and collected for the payment of salaries of said teachers: *Provided*, That the money thus constituting the permanent fund shall revert to the teachers' salary fund of the board of education of the city of Detroit in case said retirement fund shall for any reason be discontinued: *Provided further*, That from and after such time as the said permanent fund shall amount to one hundred thousand dollars no further sum shall be added thereto from the two last mentioned sources except by a two-thirds vote of the board of education. Any teacher in the public schools of the city of Detroit who has completed thirty years of service as teacher in the public schools, twenty years of which shall have been in the public

Treasurer.

Permanent  
fund, ad-  
ministration  
of.General  
fund, admin-  
istration of.Teachers'  
salary, de-  
ductions  
through  
absence.Permanent  
fund,  
moneys  
transferred to.

Proviso.

Further  
proviso.Annuityants,  
who may be.

schools of Detroit; also any teacher who has taught twenty-five years in the public schools of Detroit, shall upon application be placed on the roll of annuitants by said board of trustees. Any teacher in the public schools of the city of Detroit who has completed twenty-five years of service as a teacher in the public schools, fifteen years of which shall have been in the public schools of Detroit, may be placed on the roll of annuitants by said board of trustees. Any teacher in the public schools of the city of Detroit who shall in the judgment of said board of trustees become so disabled or incapacitated as to be unable or incompetent to perform the duties of teacher, may be placed on the roll of annuitants by a two-thirds vote of the whole board of trustees, provided said teacher shall have completed twenty years of service as a teacher in the public schools, ten years of which shall have been in the public schools of Detroit. Any teacher who shall resign or be removed for cause shall, upon application within three months after the date of such resignation or removal, be entitled to receive such sum as said trustees shall direct, not to exceed one-half of the total amount paid by such teacher into such fund. Each teacher placed on the roll of annuitants shall be entitled to receive an annuity which shall not exceed the sum of four hundred dollars per annum. The president and secretary of the board of education shall once in three months certify to the treasurer of said board of trustees all amounts deducted from the salaries of teachers in accordance with the provisions of this act, together with all amounts received from non-resident pupils for tuition, and all amounts received as interest or income from moneys appropriated and collected for the payment of salaries of teachers, which amounts, as well as all other moneys contributed to said fund or funds, shall be set apart and held by said treasurer in a special fund or funds for the purposes hereinbefore specified, subject to the order of said board of education and said board of trustees, as herein provided, except that the principal of the permanent fund cannot be expended, and the general fund shall be paid out upon warrants signed by the president and secretary of said board of trustees, and the permanent fund for the purpose of investment upon the warrant of the president and secretary of the board of education: *Provided*, That the board of education shall pay out of the maintenance fund of said board all sums which they shall deem necessary for printing and other current expenses of said board of trustees. All moneys belonging to the general fund of the retirement fund at the time this act goes into effect shall be transferred to the general fund created by this act; likewise all moneys belonging to the so-called endowment fund of the retirement fund shall be transferred to the permanent fund created by this act. The term "teacher" as used in this act shall include all teachers regularly employed by the board of education in the day schools, including the superintendent of schools, and all superin-

Amount  
entitled to.

Certification  
of amounts to  
treasurer.

Proviso.

"Teacher,"  
use of word.

tendents and supervisors of instruction, and all principals and special teachers.

Sec. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved May 14, 1907.

[No. 537.]

AN ACT to amend chapter nine of act five hundred thirty-three of the local acts of eighteen hundred eighty-seven, entitled "An act to incorporate the city of Sault Ste. Marie, and to repeal an act, entitled 'An act to reincorporate the village of Sault Ste. Marie,' " as amended, so as to add one more section thereto to stand as section fourteen.

*The People of the State of Michigan enact:*

SECTION 1. Chapter nine of act five hundred thirty-three of the local acts of eighteen hundred eighty-seven, entitled "An act to incorporate the city of Sault Ste. Marie and to repeal an act, entitled 'An act to reincorporate the village of Sault Ste. Marie,' " as amended, is hereby amended so as to add thereto an additional section to stand as section fourteen and to read as follows: Section added.

Sec. 14. The common council shall have power to license and regulate by ordinance, within the city, the keeping and maintenance of intelligence offices, employment agencies and officers, labor bureaus, and all persons engaged in the business of finding employment for others for hire or reward, and require all persons engaged therein or conducting such offices to furnish a good and satisfactory bond for the due observance of the provisions of all ordinances passed by said common council by authority of this section. Said bond to be subject to the approval of the mayor of the city. Intelligence offices, labor bureaus, etc.  
Bond required.

This act is ordered to take immediate effect.

Approved May 14, 1907.

[No. 538.]

AN ACT to detach certain territory from the township of Hendricks in the county of Mackinac, and organize the same into a new township to be known as the township of Hudson.

*The People of the State of Michigan enact:*

SECTION 1. The territory described as township number forty-two north, range eight west and township number forty- Territory organized into new town

three north, range eight west, and township number forty-four north, range eight west, now forming a part of the township of Hendricks, in the county of Mackinac, is hereby detached from the township of Hendricks and organized into a new township to be known and styled the township of Hudson.

First township meeting; inspectors.

SEC. 2. The first township meeting in said township shall be held at the town hall, at Garnet in said township of Hudson, on the first Monday in May, A. D., nineteen hundred seven, and Fred H. Shaw, Anders Anderson and Fred Graunstadt are hereby made and constituted inspectors of said election, at which said election the qualified voters of said township shall elect by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.

When meeting not held.

SEC. 3. If, for any reason, the township meeting provided for in the last preceding section shall not be held at the time specified for holding the same, it shall and may be lawful to hold the same at any time thereafter by giving at least five days' notice of the time and place of holding such meeting by posting notices thereof in four public places in said township, which notice may be given by said inspectors of election or a majority of them.

When electors may choose inspectors.

SEC. 4. If, for any reason, any or all of the inspectors of election hereby appointed shall neglect or refuse to attend the first township meeting and act as such inspector or inspectors, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls of said election, to choose from the electors present one or more persons, as the case may be, to act as inspector or inspectors of said election.

Board of registration.

SEC. 5. The said Fred H. Shaw, Anders Anderson and Fred Graunstadt, or a majority of them, shall constitute a board of registration of said township for said first township meeting, with like powers and duties of township boards of registration in other cases, and the said board of registration shall hold a session at the town hall at Garnet in said township of Hudson, on the Saturday next preceding said election, for the purpose of making a registration of the qualified voters of said township, and notice of such session may be given in the manner and for the same time as provided in the case of holding elections in section three of this act. Said board of registration shall remain in session during the hours provided by general law for the registration of electors in townships and shall be governed by such general law, except as herein otherwise provided.

General law to govern.

Election commissioners.

SEC. 6. The said Fred H. Shaw, Anders Anderson and Fred Graunstadt are also hereby constituted the election commissioners of said township for said first election and shall do all things required of election commissioners in townships by general law.

SEC. 7. The territory hereby detached from the township of Hendricks and organized into the township of Hudson, is also hereby detached from the township school district of the township of Hendricks and organized into the township school district of the township of Hudson, and said township school district of the township of Hudson shall be subject to and governed by the provisions of act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, entitled "An act for the organization of township school districts in the Upper Peninsula," as amended by act number one hundred fifty-four of the public acts of nineteen hundred three, and other amendatory acts, except as herein otherwise provided.

School district,  
division of.

Act governing.

SEC. 8. Daniel N. McLeod, William Hudson, John Butler, Charlie Bouchor and William H. Tucker are hereby constituted and appointed as trustees of said township school district of the township of Hudson, and they shall severally hold said offices until the first school election held in said district and until their successors are elected and qualified.

School  
trustees.

SEC. 9. Within ten days after this act shall take effect, the said trustees shall meet in said district and organize as a board of education of said district by selecting from their own number the officers provided for in said act for the organization of township school districts in the Upper Peninsula and the amendments thereto.

When to  
meet and  
organize.

This act is ordered to take immediate effect.

Approved May 14, 1907.

[No. 539.]

AN ACT to amend section fourteen of chapter five, and section one of chapter nine of an act, entitled "An act to revise the charter of the city of Negaunee, in Marquette county, being amendatory of an act, entitled 'An act to incorporate the city of Negaunee, in Marquette county,' approved April eleven, eighteen hundred seventy-three," approved March twenty-seven, eighteen hundred ninety-one, and the acts amendatory thereof.

*The People of the State of Michigan enact:*

SECTION 1. Section fourteen of chapter five, and section one of chapter nine of an act, entitled "An act to revise the charter of the city of Negaunee, in Marquette county, being amendatory of an act, entitled 'An act to incorporate the city of Negaunee, in Marquette county,' approved April eleven, eighteen hundred seventy-three," approved March twenty-seven, eighteen hundred ninety-one, and the acts amendatory thereof, are hereby amended to read as follows:

Sections  
amended.

## CHAPTER V.

Council may  
borrow money,  
etc.

Period and  
amount  
limited.

When  
question  
submitted.

Notices  
posted, etc.

Manner of  
voting,  
canvass, etc.

Proviso.

**SEC. 14.** To enable the common council to fully and effectually carry out and perform any of the powers conferred upon them by this act, they may borrow money at a rate of interest not exceeding six per cent, per annum, and issue the bonds of the city therefor, signed by the mayor and recorder; but no money shall be borrowed for a longer period than thirty years, nor shall the sum of any and all indebtedness for money thus borrowed by the common council ever exceed the sum of five thousand dollars; and if the common council shall deem it necessary to borrow more money than is above provided for, the question of making such loan shall be submitted to the qualified electors of said city who are liable to pay a city tax therein, at some annual or special election called for that purpose, in the same manner as other special elections are called under this act; but before any loan of money shall be authorized by a vote of such electors of said city, written or printed notices shall be posted by the recorder in at least two public places in each ward, specifying the object or objects for which money is proposed to be borrowed. The common council may provide by ordinance the manner of voting upon any question of borrowing money; but the vote shall be canvassed and the result certified and determined in the same manner as the result of other votes are canvassed by the provisions of this act: *Provided*, That the total indebtedness of the city for borrowed money shall never exceed one hundred thousand dollars, at any one time, except as herein otherwise provided.

## CHAPTER IX.

Compensation  
of city  
officers.

Board of  
prisoners.

**SECTION 1.** The officers of said city shall be entitled to receive out of the city treasury the following sums in full payment for their services: The mayor and aldermen shall be entitled to no compensation; the recorder shall be entitled to receive not to exceed nine hundred dollars per annum; the city attorney and assessor shall be entitled to receive, respectively, such sums as the common council may allow, not exceeding five hundred dollars per annum each; the marshal shall be entitled to receive not to exceed nine hundred dollars per annum, which shall be in full for all services rendered to said city. Said marshal shall be entitled to receive from said city for the board of prisoners confined in said city prison, on city process, the same compensation allowed the sheriff of Marquette county for board of prisoners by the board of supervisors, and shall be allowed the use of the marshal's apartments in the city hall free of rent. Said marshal shall not receive from said city any other compensations, fees or perquisites, except as hereinbefore provided.

The justices of the peace and constables shall be allowed the same fees as are by law allowed to corresponding township officers for similar services, but the marshal, acting as deputy or under sheriff or constable, shall be entitled to no compensation from the city for any services rendered by him to said city as such deputy or under sheriff or constable. The commissioner of streets and highways shall be paid at the rate of not to exceed two dollars and fifty cents per day for his services for the times he is actually employed and at the same rate for parts of days. The school inspectors shall be entitled to not more than two dollars per day for the time actually employed by them. Policemen and night watchmen shall not be paid more than two dollars per day or night for actual services rendered. The common council shall have full and exclusive authority to prescribe the compensation of the foregoing officers of said city, subject to the foregoing limitations. If any officer whose compensation is limited in this act accepts, receives or takes a greater salary, or compensation, or fees, or perquisites, than is prescribed and limited in this act, in any manner whatever, either directly or indirectly, from said city, he, and all the members of the common council voting or allowing him the same, shall each be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, with costs, or by imprisonment, in default of paying fine, not less than thirty days nor more than ninety days, in the discretion of the court.

Justices and constables.

Street commissioner.

Policemen, etc.

Penalty for certain misdemeanor.

This act is ordered to take immediate effect.  
Approved May 14, 1907.

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[No. 540.]

AN ACT to authorize the village of Nashville, Barry county, Michigan, to require a license from saloon keepers engaged in the sale of intoxicating liquors in addition to the State license.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the village of Nashville, Barry county, Michigan, is hereby authorized and empowered to require from any person or persons engaged in or who are about to engage in selling intoxicating liquors at retail in said village a license fee in addition to the State license not exceeding the sum of five hundred dollars.

Village license.

Approved May 14, 1907.

[No. 541.]

AN ACT to amend section twenty-four of title seven of act number three hundred twenty-two of the local acts of nineteen hundred three, entitled "An act to incorporate the city of Muskegon Heights, in Muskegon county, and for that purpose to detach certain territory from Muskegon and Norton townships in said county and attach same to said city and to dissolve the corporation 'Village of Muskegon Heights,' and to repeal all acts and parts of acts inconsistent herewith."

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. Section twenty-four of title seven of act number three hundred twenty-two of the local acts of nineteen hundred three, entitled "An act to incorporate the city of Muskegon Heights, in Muskegon county, and for that purpose to detach certain territory from Muskegon and Norton townships in said county and attach same to said city, and to dissolve the corporation 'Village of Muskegon Heights,' and to repeal all acts and parts of acts inconsistent herewith," is hereby amended to read as follows:

Council, certain powers of.

SEC. 24. In addition to the other powers and duties herein conferred upon it, the council shall have power to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as it may deem advisable within said city for the following purposes:

Relative to public peace.

First, To restrain and prevent vice and immorality, gambling, noise and disturbances, indecent or disorderly conduct or assemblages, and to punish for the same, and to preserve peace and good order, prevent and quell riots, to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vagrants, etc.

Second, To apprehend and punish vagrants, drunkards, truants, disorderly persons and common prostitutes;

Disorderly houses, etc.

Third, To restrain, prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses and all places where persons resort for gambling, or to play games of chance and to punish the keepers, inmates and frequenters thereof;

Billiard rooms, etc.

Fourth, To license, regulate and restrain billiard rooms, bowling alleys or tables and ball alleys; to prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments, devices and material used for the purpose of gaming;

Saloons, licensing and regulation of.

Fifth, To license and regulate saloons and other places where spirituous, intoxicating, malt, brewed or fermented liquors are sold or kept for sale, and to prohibit the establishing and maintaining of any such saloon or place within one



block of any church, public school building or public fair ground, and shall have power by ordinance to prescribe the sections of the city where saloons or other places, except drug stores, where spirituous, intoxicating, malt, brewed, fermented or vinous liquors are sold or kept for sale, may be kept and maintained and to prohibit the keeping and maintaining of such saloons and other places in all other sections of the city not so prescribed, and shall have power, by ordinance, to limit the number of saloons or other places, except drug stores, where spirituous, intoxicating, malt, brewed, fermented or vinous liquors may be sold or kept for sale in the city at retail to any number not less than one such saloon or other place to every fifteen hundred inhabitants of said city or major fraction thereof as shown by the last census. The council shall have power to prescribe by ordinance the terms and conditions upon which any license may be granted to any person or persons proposing to engage in the business of selling at wholesale or retail any spirituous, intoxicating, malt, brewed, fermented or vinous liquors within the limits of said city and may require the payment of such sum therefor and in such manner as the council shall deem proper. Every such license may be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of a second conviction unreversed of the violation of any ordinance of the city relating to saloons upon due notice and hearing before said council, and the person or persons holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license;

Licenses,  
powers of  
council  
relative to  
granting.

Licenses,  
revocation of.

Sixth, To license, regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name and nature for which money or other reward is in any manner demanded or received;

Exhibitions,  
circuses, etc.

Seventh, To license and regulate auctions, sales at auction and auctioneers; to license and regulate the sale of live or domestic animals at auction upon the streets or alleys, or upon any public grounds of the city; to regulate and license the sale of goods, wares, property or anything at auction, or any manner of public bidding, or offering by buyers or sellers after the manner of auction sales; to regulate the fees to be paid by and to auctioneers; but no such license shall be required in case of sale required by law to be made at auction or public vendue; to license and regulate transient traders and dealers; to license and regulate hucksters, hawkers and peddlers, and to license and regulate the sale of peddling, directly or by canvassing for subscription, of goods, wares, merchandise, refreshments or any kind of property or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device in the streets, highways or in and upon the wharves, places or spaces, stores, offices and business blocks

Auctions, etc.

Peddlers,  
hucksters, etc.

- Proviso. and places, public grounds or buildings in said city: *Provided*, That the provisions of this subdivision shall not apply to farmers selling the produce raised on their own farms; to license and regulate junk dealers and dealers in second hand goods and merchandise and other business; to license and regulate pawnbrokers (whoever loans money on deposit or pledges of personal security, or who purchases personal property or choses in action, on condition of selling the same back again at a stipulated price, is hereby defined and declared to be a pawnbroker); to license and regulate employment agencies and offices, intelligence offices, labor bureaus, and all persons whose business it is to find employment for others for hire or reward; to require references and bonds to be given by every person, company, corporation or association engaging in such business, before the same shall be licensed, in order that the public and persons dealing with such offices and agencies may be protected; to license and regulate all bill posting, putting up of advertising signs or matter, and the distributing of such matter in the city; to license and regulate chimney sweeps, cleaners of chimneys and chimney flues, to regulate and fix their compensation, and the fees to be paid by them for licenses;
- Pawnbrokers.
- Employment agencies.
- Bill posting, advertising, etc.
- Vending of food products. Eighth, To regulate the vending of meats, poultry, vegetables, fruit, fish, flour, meal, salt, milk and all other food or food products, and all kinds of groceries and provisions, sold at wholesale or retail, in packages or otherwise, and to prescribe the time, manner and place for selling the same; to prohibit, prevent and suppress the sale of every kind of nauseous, unsound or unwholesome meat, poultry, vegetables, fruits, fish, flour, meal, salt, milk and all other food or food products, and all kinds of provisions sold at wholesale or retail; to punish all persons who shall sell the same or offer or keep the same for sale: *Provided*, That nothing herein contained shall authorize the council to prohibit any farmer from selling without a license the produce of his own farm within said corporate limits;
- Proviso.
- Nuisances and offensive structures. Ninth, To regulate, abate and remove nuisances of every kind and to compel the owner or occupant of any grocery store, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hogpen, sewer, or other offensive or unwholesome structure, house or place, to cleanse, remove or abate the same from time to time as often as it may deem necessary for the health, comfort and convenience of said city;
- Slaughter houses. Tenth, To direct the location of slaughter houses, markets and buildings for the storing of gunpowder and other combustible and explosive substances;
- Explosives, bonfires. Eleventh, To regulate, restrain and prohibit the buying, carrying and selling gunpowder, fire crackers or fireworks manufactured and prepared therefrom, or other combustible materials, the exhibition of fireworks and the discharge of firearms, and lights in barns, stables and other buildings,

and to restrain the making of bonfires in streets, yards and public grounds;

Twelfth, To prevent the encumbering of streets, sidewalks, Public and private highways. cross-walks, lanes, alleys, bridges, aqueducts, wharves or Railroads. slips in any manner whatever; to determine and designate the route and grades of any railroads to be built in said city and to regulate the use of locomotives, engines, and cars upon the railroads within said city; to prescribe and fix the rate of speed at which locomotives, engines, and cars may be run upon the railroads within the limits of said city;

Thirteenth, To prohibit or regulate bathing in any public Bathing. waters or in any open or conspicuous place, and any indecent exposure of the person in the city;

Fourteenth, To provide for the issuing of license to the Dogs. owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such license and to authorize the killing of dogs not so licensed, and to regulate and prevent the running at large of dogs;

Fifteenth, To prevent any person from bringing or depositing within the limits of said city any dead carcass or other unwholesome or offensive substance, and to require Offensive substances. the removal and destruction thereof, if any person shall have on his premises such substance, or any putrid meats, hides and skins of any kind, and on his default to authorize the removal and destruction thereof as a public nuisance, or by some officer of the city;

Sixteenth, To compel all persons to build sidewalks in front Sidewalks. of premises owned or occupied by them, and to require such persons to keep the same in repair and clear from snow, ice, dirt, wood or obstruction;

Seventeenth, To prevent and punish horse racing and im- Driving, etc. moderate driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street; to require any horse or mule attached to any vehicle, or standing in any of the streets, lanes or alleys of said city to be securely fastened, watched or held;

Eighteenth, To regulate and license taverns and houses Public houses. of public entertainments, and all saloons, restaurants and eating houses;

Nineteenth, To license and regulate all vehicles of every Vehicles. kind used in the transportation of any person or property for hire in the city;

Twentieth, To provide for and regulate the numbering of Numbering of buildings. buildings upon the streets and alleys and to compel the owners or occupants of buildings to affix numbers on the same;

Twenty-first, To make regulations for the lighting of the Lighting. streets and alleys and the protection and safety of public and street lamps and lights;

Twenty-second, To regulate the placing and using of all Telegraph, telephones, etc. telegraph, telephone, electric light poles and wires; to regulate

	and license telephone companies, telegraph companies, electric light companies, gas companies and to prescribe certain rules for the regulation thereof; the council shall have power in granting any franchise whatever to any individual, individuals, corporation, association or company, to reserve the right to impose and collect reasonable annual license fees;
Salubrity of waters.	Twenty-third, To preserve the salubrity of the waters of Mona lake and other waters within the city; to prohibit the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to fill up all low grounds, lots covered or partially covered with water, or to drain the same as may be deemed expedient; and to regulate the cutting of ice in Mona lake; and to prohibit and prevent by sufficient penalty the cutting and vending of impure ice from said waters or elsewhere within said city;
Public grounds.	Twenty-fourth, To provide for public parks and squares, make, grade, improve and adorn the same, and all grounds in said city, belonging to or under the control of said city, and to control and regulate the same consistently with the purposes and objects thereof;
Census.	Twenty-fifth, To provide for taking the census of the inhabitants of said city as it may see fit, and to direct and regulate the taking of the same;
Grades.	Twenty-sixth, To establish a grade for streets and sidewalks, and to cause the same to be constructed in accordance therewith;
Officers, duties of.	Twenty-seventh, To prescribe the duties of all officers appointed by the council, not otherwise herein provided for, and their compensation, and the penalty for failing to perform such duties;
Officers, bonds and sureties.	Twenty-eighth, To prescribe all bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;
Fees.	Twenty-ninth, To authorize and regulate the demand and receipt by officials of such fees and costs and in such cases as the council may deem reasonable;
Jurors, fees of.	Thirtieth, To fix and regulate the fees of jurors and witnesses in any proceeding under this act or under any ordinance of the council;
Streets, cleaning of.	Thirty-first, To sell or otherwise provide for disposing of all dirt, filth, manure and debris, lying in or gathered from the highways, streets, avenues, lanes, alleys or public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same;
Awnings and signs.	Thirty-second, To control, prescribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs;
Highways, use of.	Thirty-third, To control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, pub-

lie grounds and spaces within said city shall be used, and to provide for the preservation of and prevention of wilful injury thereto;

Thirty-fourth, To direct and regulate the planting and provide for the preservation of trees in said city; Trees.

Thirty-fifth, To prohibit all practices, amusements and doings in said streets, having a tendency to frighten teams or horses, or dangerous to life or property; to remove or cause to be removed all walls and structures that may be liable to fall so as to injure life or property; Dangerous practices and obstructions.

Thirty-sixth, To prohibit and punish the use of toy pistols, air guns, sling shots and other dangerous toys, implements or weapons within said city; Dangerous weapons.

Thirty-seventh, To provide for the protection and care of paupers and prohibit and prevent all persons from bringing to the city from any other place any pauper or paupers, or any person likely to be a charge upon said city and to punish therefor; and to authorize the removal from the city of all paupers not a legal charge upon said city; Paupers.

Thirty-eighth, To establish and build a jail, workhouse and houses of correction, for the confinement of offenders, and to erect the necessary buildings therefor, and control and regulate the same; appoint all necessary officers for taking charge of the same and of the persons confined therein; to prescribe their powers and duties and provide for their removal from office and the filling of vacancies; to provide for the imprisonment and confinement in said jails, workhouses and houses of correction, or in the common jail of the county of Muskegon, or in any appropriate State institution of all persons liable to be imprisoned under this act or any ordinance of said council, whenever convicted of a violation thereof; to compel any person confined in any such jail, workhouse or house of correction, or in the common jail of the county of Muskegon to work upon the streets and alleys of said city, or in and upon the buildings and premises belonging to said city during the time the detention of such person is authorized; Jails, etc.

Thirty-ninth, To regulate the burying of the dead, and to compel the keeping and return of bills of mortality; also returns of births and marriages; Burying of dead.

Fortieth, To survey and establish the boundaries of the city and of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city; to prohibit all incumbrances and encroachments upon the same by buildings, fences and of partition and parapet walls and walls of buildings, fences, or in any other manner, and to provide for the removal of the same; Surveys.

Forty-first, To regulate the construction of partition fences and partition and parapet walls and walls of buildings and thickness of walls; to regulate the construction of chimneys, hearths, fireplaces, fire arches, ovens and the putting up of stoves, stovepipes, kettles, boilers, or any structure or ap- Partitions, fences, chimneys, stoves, etc.

paratus that may be dangerous in promoting or causing fires; to compel and regulate the cleaning of chimneys and chimney flues, and to fix the fees therefor; to compel and regulate the construction of ash houses and deposits of ashes; to compel the owners of houses and other buildings to have scuttles on their roofs, and stairs and ladders leading to the same and to cause such buildings as are in a dangerous state to be put in a safe condition; and to authorize any of the officers of the city to keep all idle and suspicious persons away from the vicinity of fires, and to compel officers of the city and other persons to aid in the extinguishment of fires, and the preservation of property exposed to danger therefrom;

Live stock.

Forty-second, To prohibit and prevent the running at large of horses, cattle, swine, dogs, geese and other domestic animals or fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same;

Obscene exhibitions, etc.

Forty-third, To prevent and prohibit in the streets or elsewhere in said city the show, sale, crying or exhibition of indecent or obscene pictures, drawings, engravings, paintings, and indecent, immoral and scandalous books, pamphlets, newspapers and literature; and further, the council shall have authority to enact all ordinances and make all such regulations consistent with the law and constitution of the State as they may deem necessary for the safety, good order, good morals, and good government of the city, and the general welfare of the inhabitants thereof, but no exclusive rights, privileges of permits shall be granted by the council to any person or to any corporation for any purpose whatever.

This act is ordered to take immediate effect.

Approved May 14, 1907.

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[No. 542.]

AN ACT to authorize the village of Paw Paw in the county of Van Buren, to issue bonds for the purpose of borrowing money with which to refund certain outstanding indebtedness and issue bonds therefor.

*The People of the State of Michigan enact:*

Borrow money and issue bonds.

SECTION 1. The council of the village of Paw Paw, in the county of Van Buren, by a two-thirds vote of the members elect, is hereby authorized and empowered to borrow money on the faith and credit of said village and issue bonds therefor to the amount of forty-five thousand six hundred dollars for the purpose of refunding and extending the time of payment of the indebtedness of said village, and to provide for the

payment of said bonds by tax upon all taxable property of said village.

SEC. 2. Said bonds shall be issued in denominations payable at such times, not more than twenty years after the date thereof, at such place as the village council may determine, with such rate of interest, not exceeding five per cent per annum, as the said village council shall direct, payable annually, and shall be signed by the president and clerk of said village, and negotiated by and under the direction of said council at not less than par value, and the money arising therefrom shall be appropriated by said village council for the purpose of refunding and extending the time of payment of the indebtedness of said village, in such manner as to change the time of payment, but not to increase the aggregate amount of the indebtedness of said village.

Bonds,  
time and  
place of  
payment,  
interest.

SEC. 3. It shall be the duty of the village council of said village, in addition to all other taxes authorized by law to raise by tax upon all the taxable property in said village such sum or sums annually as may be necessary to provide an interest and sinking fund to pay said bonds as they shall mature and the interest thereon as it becomes due.

Bonds,  
providing  
tax to pay.

This act is ordered to take immediate effect.

Approved May 14, 1907.

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[No. 543.]

AN ACT to authorize the city of Mt. Clemens, in the county of Macomb and State of Michigan, to borrow the sum of four thousand dollars and issue bonds therefor in amount of four thousand dollars for the purpose of continuing the Church street sewer to Lodewyck avenue.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of Mt. Clemens is hereby authorized and empowered to borrow on the faith and credit of said city a sum not exceeding four thousand dollars, for a term not in excess of two years from date of issue, at a rate not exceeding six per cent per annum, interest payable semi-annually and to execute bonds of the city therefor in such form as the common council by a majority vote of all the members elected, may determine.

Bond issue.

SEC. 2. The money borrowed under the provisions of this act shall be applied by said city in the continuation of the Church street sewer from its present terminus westerly to Lodewyck avenue.

Sewer, con-  
tinuation of.

This act is ordered to take immediate effect.

Approved May 14, 1907.

[No. 544.]

AN ACT authorizing the city of Mt. Clemens, in the county of Macomb and State of Michigan to order special assessments for street sprinkling purposes.

*The People of the State of Michigan enact:*

Highways,  
sprinkling of.

Assessments  
to pay ex-  
pense.

Proviso.

Further  
proviso.

SECTION 1. When the owners of a majority of the lands abutting upon any street, lane, alley, highway or avenue shall petition the council of the city of Mt. Clemens for the sprinkling with water of any such street, lane, highway or avenue, or any part thereof, within the limits of the city of Mt. Clemens, the common council shall determine by resolution as to the necessity of doing such sprinkling. Should less than a majority of the owners of lands to be assessed petition for the sprinkling with water of any street, lane, alley, highway or avenue, then and in such case no such sprinkling shall be ordered, except by a concurrence of two-thirds of the aldermen elect; and if the common council shall determine in favor of the same or any part thereof, they shall fix the limits of a special assessment district, which shall include the lots and premises fronting, touching or abutting such street, lane, alley, highway or avenue, proposed to be sprinkled. In the making of the assessments and in the review and collection of the same to defray the expenses of such sprinkling, the common council shall conform, as near as may be, to the provisions of act number two hundred fifteen of the public acts of the State of Michigan for the year eighteen hundred ninety-five as amended: *Provided*, That after the creation of a special assessment district for sprinkling, such district shall continue as a special assessment district from year to year until the common council shall otherwise direct, and the board of assessors shall, from year to year, extend the assessments thereon necessary to pay the expense of such sprinkling, as the common council shall by resolution direct: *Provided further*, That the common council may borrow money in anticipation of the receipts of money to be raised by special assessment for sprinkling purposes in any year.

This act is ordered to take immediate effect.

Approved May 14, 1907.



[No. 545.]

AN ACT relative to the construction of sidewalks in the city of Mt. Clemens, Michigan.

*The People of the State of Michigan enact:*

SECTION 1. The city of Mt. Clemens, Michigan, is hereby empowered to cause sidewalks in said city to be constructed, to construct such sidewalks, to collect the cost of the construction of such sidewalks by special assessment, and to borrow money in anticipation of the collection of such special assessments, in the manner hereinafter provided.

Sidewalks,  
to borrow  
money to  
construct.

SEC. 2. The street commissioner shall report to the common council all defective sidewalks in said city. The common council shall determine the necessity of the construction of all sidewalks in said city and have authority to direct the construction thereof by the abutting owners, by resolution adopted by said council, and notice to construct such sidewalks shall be in writing and be served upon the owner of the lands and premises abutting upon such proposed sidewalk in such manner as the common council of said city shall by ordinance provide. Such notice to such abutting owner shall require the construction of the sidewalk therein mentioned within twenty days after the service of such notice and such abutting owner is hereby required to construct such sidewalk within such period.

Sidewalks,  
notice and  
necessity to  
construct.

SEC. 3. Whenever any sidewalk is not constructed by such abutting owner within the time limited in his notice so to do, the common council shall cause such sidewalk to be constructed. And the cost of such construction shall be a lien on the lands and premises adjacent to which said sidewalks are constructed.

Sidewalks,  
neglect to  
construct.

SEC. 4. Whenever any sidewalk shall be constructed by said city as herein provided for, the common council shall report to the board of special assessors the cost of the construction of each sidewalk together with the name of the person who is the owner of and the description of his abutting property; and the board of special assessors, upon receiving such report, shall forthwith make out an assessment roll for sidewalks so constructed, and shall assess against such abutting property the cost of the construction of such sidewalk. The making of such assessment roll and all the proceedings connected therewith and for the collection thereof, shall, so far as the same is practicable, be controlled and directed by the provisions of act number two hundred fifteen of the public acts of the State of Michigan for the year eighteen hundred ninety-five as amended.

Sidewalks,  
assessment of  
property  
owner, for  
construction  
by city.

SEC. 5. The common council shall have authority to raise moneys by loan in anticipation of the receipts from the special assessments as herein provided for, for the purpose

Money raised  
in anticipation  
of assessment.

of defraying the cost of the construction of such sidewalks, for which such special assessment may be levied. And in case such loan is made the money collected on any special assessment, shall be retained by the city treasurer in a special fund and shall be used only to pay such loan.

Contrary  
provisions  
superseded.

SEC. 6. The provisions of act number two hundred fifteen of the public acts of the State of Michigan for the year eighteen hundred ninety-five as amended, in so far as the same are contrary to the provisions of this act and in so far as the same relate to the city of Mt. Clemens, Michigan, are superseded by the provisions of this act.

This act is ordered to take immediate effect.

Approved May 14, 1907.

[No. 546.]

AN ACT providing for uniform assessments for defraying a portion of the cost of the construction of sewers in the city of Mt. Clemens, Michigan.

*The People of the State of Michigan enact:*

Sewers, main  
or trunk,  
payment of  
cost.

SECTION 1. The costs and expenses of establishing and making any main or trunk sewer, in the city of Mt. Clemens constructed without reference to sewer districts shall be paid from the general sewer fund; but the common council may provide by ordinance that before any person shall be permitted to tap such main or trunk sewer, such person shall pay to the city treasurer, to be credited to the general sewer fund, a sum of money determined by the number of feet frontage such person owns touching or abutting the portion of the street, lane, alley, highway or avenue along which such trunk or main sewer is constructed. The amount to be paid for each foot frontage shall be an amount which the council shall determine from time to time, and which approximately shall be one-third of the actual cost of constructing one foot of an average lateral, crock sewer.

Sewers,  
branch,  
lateral, etc.,  
payment of  
cost.

SEC. 2. The cost of any branch, lateral, or local sewer constructed within a special district, shall be paid from the general sewer fund; but before any such branch, lateral or local sewer is constructed, the common council shall fix the limits of a special assessment district, which shall include all the taxable lands and premises touching or abutting that portion of the street, lane, alley, highway or avenue along which such branch, lateral or local sewer is to be constructed; and in the making of such assessment, in the review and collection of the same, the common council shall conform as near as may be to the provisions of act number two hun-

Assessment.

dred fifteen of the public acts of the State of Michigan for the year eighteen hundred ninety-five as amended; except that, in the making of such assessments, the board of special assessors shall assess each lot or piece of land a sum of money determined by the number of feet frontage such lot or piece of land has touching or abutting that portion of the street, lane, alley, highway or avenue along which such lateral, branch or local sewer is to be constructed. The amount to be assessed for each foot so touching or abutting shall be an amount which the council shall determine from time to time, and which approximately shall be one-third of the actual cost of constructing one foot of an average lateral crock sewer. The money so collected and received by reason of such assessment shall be paid into the general sewer fund.

This act is ordered to take immediate effect.

Approved May 14, 1907.

[No. 547.]

AN ACT to provide for the reorganization of the board of public works of the city of Mt. Clemens, Michigan, and to prescribe the powers and duties thereof.

*The People of the State of Michigan enact:*

SECTION 1. The board of public works for the city of Mt. Clemens, Michigan, shall, from and after the taking effect of this act, be organized under and shall have the powers and duties provided for in this act. Public works,  
board of,  
organization.

SEC. 2. The board of public works of said city shall consist of five members, and the members of such board as now constituted shall continue to hold their respective offices as members of such board of public works, as reorganized under this act, until the respective terms for which they have been appointed shall expire; but the mayor of said city of Mt. Clemens shall, by and with the consent of the common council of said city, on the first Monday of May in each year, appoint a member, or members, of such board of public works to fill any vacancy or vacancies existing therein by reason of the expiration of the term of office of any such member of said board, and all members hereafter appointed to said board shall serve for a period of three years, from and after the date of his appointment, or until his successor shall have been duly appointed and qualified. Such board of public works shall be non-partisan, no more than three members belonging to any one political party, and such members shall be freeholders and electors of said city and shall serve without compensation. Members,  
number,  
term.  
  
Appointment.  
  
Non-  
partisan.

Quorum,  
president,  
clerk.

SEC. 3. Said board of public works shall, during the month of May of each year, organize and elect one of their number president. A majority of the board shall constitute a quorum for the transaction of business. The city clerk shall be ex-officio clerk of said board but shall have no vote therein. It shall be his duty to perform all the clerical work required by said board and he shall have charge of all its books, records, accounts and papers. The city attorney shall be the legal advisor of said board and shall attend all its meetings and shall prepare all motions, resolutions and other papers for the use of said board when requested so to do.

Duties.

SEC. 4. The board of public works is hereby charged and entrusted with the following duties, powers and responsibilities:

First, The construction, management, supervision and control of such water-works as are or shall be owned by the city;

Second, The construction, management, supervision and control of such electric or other lighting plant as are or shall be owned by the city;

Third, The control of the advertising for bids for the construction of sewers in said city, the awarding of contracts therefor, the supervision of the construction thereof, the management, supervision and control of all sewers of said city after their construction and the duties incident thereto: *Provided*, That all bonds taken by said board shall be reported to and approved by the common council of said city;

Fourth, Such other public improvements or works as the common council may by ordinance place under their management, supervision and control.

Sewers,  
award  
contract for.

SEC. 5. The said board of public works shall, when directed so to do by the common council, proceed to advertise for bids for the construction of any sewer or sewers of said city, and award the contracts therefor, report to the common council the bond of any contractor for confirmation, and after confirmation of such bond proceed with the supervision of the construction of such sewer or sewers.

Rules,  
adoption of.

SEC. 6. The said board shall have power to make and adopt all such by-laws, rules and regulations, as they may deem necessary and expedient for the transaction of their business not inconsistent with the ordinances of said city or with the provisions of this act.

Authority,  
limited  
above certain  
amount.

SEC. 7. Whenever the expense of construction or repairing any public work, placed under the management, supervision and control of the said board of public works, shall not exceed the sum of five hundred dollars, the work shall be done by said board in such manner as they deem proper; but whenever such expense shall exceed the sum of five hundred dollars, then the said board shall submit the plans, diagrams, profiles and estimates thereof to the council for their approval and when so approved the board shall advertise for sealed proposals for the doing of the proposed work and shall let the contract to the lowest responsible

bidder, who shall be deemed competent to do the work and give adequate security for the performance thereof.

SEC. 8. All work done under the supervision of said board shall be reported to the council from time to time and no money shall be paid out of the treasury on account of any work so done until the council shall have authorized the same and ordered the same paid by warrant drawn on the city treasurer, and all claims and accounts against the city that in any manner relate to the works in charge of such board or that have been incurred by said board shall first be submitted to and approved by said board of public works before the council shall be authorized to order such warrant drawn. It shall be the duty of the board to make an annual report to the council on the third Monday in April of each year, which report shall embrace an itemized statement of the revenues and expenditures relating to or connected with each of the works under their control, keeping a separate account of each fund, and a statement of the condition, progress and operation of said works. They shall also make such other reports and furnish such other information to the council as that body shall by resolution or ordinance provide.

Money,  
payment of  
for work.

Make reports.

SEC. 9. All the proceedings of the board of public works and the votes taken thereat shall, within ten days after any meeting, be published in the official newspaper of said city.

Proceedings  
published.

SEC. 10. The board of public works shall, at the places and in the manner specified by the common council of said city, furnish all water needed for street sprinkling, cleaning and other municipal purposes and without making any charge therefor.

Sprinkling,  
cleaning, etc.,  
to furnish  
water for.

SEC. 11. No member of the board of public works shall be interested directly or indirectly in the profits of any contract, job, work or service other than official services, to be performed for the corporation herein specified and any member of said board of public works, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, in the discretion of the court, and shall forfeit his office.

Contract,  
must not be  
interested in.

SEC. 12. On or before the first Monday of September or on or before the first Monday of May in each year where the council has decided to have the taxes levied and collected in two installments as authorized by section two of chapter thirty of the charter of said city, the board of public works shall submit to the common council careful estimates in detail of the amount of money, which according to the judgment of the board, will be needed for the water-works, lighting fund, sewers, or for any other fund or works placed under its control during the ensuing year, which estimates can be increased, modified or adopted by the said common council as in its judgment may deem justifiable.

Estimates,  
to submit.

Moneys  
received,  
to pay into  
treasury.

SEC. 13. The board of public works shall, on the first Monday of each month, pay into the city treasury to the credit of the water, lighting, sewer or other fund, as the case may be, all moneys received by them and belonging to any such fund, and shall file a detailed statement thereof, together with the receipt of the treasurer attached thereto, with the city clerk, who shall report the filing of such statement and the receipt to the council.

Rates, water  
and light,  
payment of.

SEC. 14. The board of public works may provide when and to whom all water and light rates and other moneys collected by them shall be paid, and what steps shall be taken to enforce payment thereof, and may provide that in case of non-payment that such water or light connections be shut off or stopped as to any person neglecting or refusing to make such payment; and may also collect the same in an action of assumpsit on the common counts in assumpsit, in any court of competent jurisdiction.

Employees.

SEC. 15. The board of public works is hereby empowered to employ all necessary officers, agents and employes that they deem necessary to operate, carry on and improve all the public works and duties placed under their care and supervision, and subject to the approval of the council, to fix the salaries and compensation of such employes.

Abolishment  
of board.

SEC. 16. The council of the city of Mt. Clemens, upon petition to it of one hundred or more freeholders of such city praying that an election of the qualified electors of said city be called to determine whether the board of public works in such city shall be abolished, shall, by resolution, submit the question of abolishing such board of public works to the qualified electors of such city at the city election held in the month of April next following. The board of public works in such city shall not be abolished unless two-thirds of the electors voting on such proposition shall, by ballot, so determine.

Powers on  
abolishment,  
vested in  
council.

SEC. 17. If, at any election two-thirds of the voters voting thereon shall vote to abolish the board of public works in said city, then such board of public works shall be abolished, and all the powers, rights and privileges now exercised by or vested in said board of public works, as well as all the duties and obligations imposed upon said board of public works by this act shall be vested in, exercised and assumed by the council of the city of Mt. Clemens; the board of public works in said city in all things appertaining to them as such board shall be superseded by the council, and the council may appoint a committee of its members more particularly to perform these duties, always under the direction of the council and subject to such rules and regulations as the council may determine.

Re-establish-  
ment of  
board.

SEC. 18. If, in the city of Mt. Clemens, the board of public works has been abolished as above provided, the council, upon petition to them of one hundred freeholders of said city praying for the re-establishment of said board of public

works therein, shall, by resolution, submit to the qualified electors of said city at the city election held in the month of April next following, the proposition to re-establish said board of public works. If two-thirds of the electors voting on such proposition vote in favor of such board of public works, then such board of public works shall thereafter be re-established in said city and shall be constituted and selected in the same way and have the same qualifications, powers and duties provided for the board of public works in this act.

SEC. 19. An election under the provisions of this act cannot be held oftener than once in two years and notice of such election shall be given in the manner and for the same length of time as is provided for in the charter of said city for the calling of special elections and the vote shall be counted and canvassed and the return shall be made, and the result declared and determined in the same manner as is provided in the charter of said city for the counting, canvassing and returning of votes, and the determination of the result thereof at special elections, and the propositions submitted shall be in the following language:

For the Board of Public Works.....Yes.

For the Board of Public Works.....No.

SEC. 20. The provisions of act number two hundred fifteen of the public acts of the State of Michigan for the year eighteen hundred ninety-five, as amended, in so far as the same provide for a board of public works for the said city of Mt. Clemens and defines the powers, duties and responsibilities thereof, are hereby superseded by the provisions of this act.

SEC. 21. All the powers, duties and responsibilities of the board of public works of the city of Mt. Clemens over sewers, drains and watercourses, under the provisions of act number two hundred fifteen of the public acts of the State of Michigan for the year eighteen hundred ninety-five as amended, are hereby transferred to and vested in the common council of the city of Mt. Clemens, excepting the advertising for bids for the construction of sewers, the awarding of contracts therefor, the supervision of the construction thereof, the management, supervision and control of all sewers of said city after the construction thereof, and the duties incident thereto.

This act is ordered to take immediate effect.

Approved May 14, 1907.

Moneys received, to pay into treasury.

SEC. 13. The board of public works shall, on the first Monday of each month, pay into the city treasury to the credit of the water, lighting, sewer or other fund, as the case may be, all moneys received by them and belonging to any such fund, and shall file a detailed statement thereof, together with the receipt of the treasurer attached thereto, with the city clerk, who shall report the filing of such statement and the receipt to the council.

Rates, water and light, payment of.

SEC. 14. The board of public works may provide when and to whom all water and light rates and other moneys collected by them shall be paid, and what steps shall be taken to enforce payment thereof, and may provide that in case of non-payment that such water or light connections be shut off or stopped as to any person neglecting or refusing to make such payment; and may also collect the same in an action of assumpsit on the common counts in assumpsit, in any court of competent jurisdiction.

Employees.

SEC. 15. The board of public works is hereby empowered to employ all necessary officers, agents and employees that they deem necessary to operate, carry on and improve all the public works and duties placed under their care and supervision, and subject to the approval of the council, to fix the salaries and compensation of such employees.

Abolishment of board.

SEC. 16. The council of the city of Mt. Clemens, upon petition to it of one hundred or more freeholders of such city praying that an election of the qualified electors of said city be called to determine whether the board of public works in such city shall be abolished, shall, by resolution, submit the question of abolishing such board of public works to the qualified electors of such city at the city election held in the month of April next following. The board of public works in such city shall not be abolished unless two-thirds of the electors voting on such proposition shall, by ballot, so determine.

Powers on abolishment, vested in council.

SEC. 17. If, at any election two-thirds of the voters voting thereon shall vote to abolish the board of public works in said city, then such board of public works shall be abolished, and all the powers, rights and privileges now exercised by or vested in said board of public works, as well as all the duties and obligations imposed upon said board of public works by this act shall be vested in, exercised and assumed by the council of the city of Mt. Clemens; the board of public works in said city in all things appertaining to them as such board shall be superseded by the council, and the council may appoint a committee of its members more particularly to perform these duties, always under the direction of the council and subject to such rules and regulations as the council may determine.

Re-establishment of board.

SEC. 18. If, in the city of Mt. Clemens, the board of public works has been abolished as above provided, the council, upon petition to them of one hundred freeholders of said city praying for the re-establishment of said board of public



works therein, shall, by resolution, submit to the qualified electors of said city at the city election held in the month of April next following, the proposition to re-establish said board of public works. If two-thirds of the electors voting on such proposition vote in favor of such board of public works, then such board of public works shall thereafter be re-established in said city and shall be constituted and selected in the same way and have the same qualifications, powers and duties provided for the board of public works in this act.

SEC. 19. An election under the provisions of this act cannot be held oftener than once in two years and notice of such election shall be given in the manner and for the same length of time as is provided for in the charter of said city for the calling of special elections and the vote shall be counted and canvassed and the return shall be made, and the result declared and determined in the same manner as is provided in the charter of said city for the counting, canvassing and returning of votes, and the determination of the result thereof at special elections, and the propositions submitted shall be in the following language:

For the Board of Public Works.....Yes.

For the Board of Public Works.....No.

SEC. 20. The provisions of act number two hundred fifteen of the public acts of the State of Michigan for the year eighteen hundred ninety-five, as amended, in so far as the same provide for a board of public works for the said city of Mt. Clemens and defines the powers, duties and responsibilities thereof, are hereby superseded by the provisions of this act.

SEC. 21. All the powers, duties and responsibilities of the board of public works of the city of Mt. Clemens over sewers, drains and watercourses, under the provisions of act number two hundred fifteen of the public acts of the State of Michigan for the year eighteen hundred ninety-five as amended, are hereby transferred to and vested in the common council of the city of Mt. Clemens, excepting the advertising for bids for the construction of sewers, the awarding of contracts therefor, the supervision of the construction thereof, the management, supervision and control of all sewers of said city after the construction thereof, and the duties incident thereto.

This act is ordered to take immediate effect.

Approved May 14, 1907.

[No. 548.]

AN ACT to authorize the city of Eaton Rapids, in the county of Eaton and State of Michigan, to borrow money and issue its bonds therefor, for the purpose of paying for the paving of street intersections on Main street, in the first ward of said city, in addition to paying not to exceed one-third of the remaining cost and expense of paving said Main street within the limits aforesaid.

*The People of the State of Michigan enact:*

Bond issue  
for paving.

Proviso.

Notice of  
election.

Election,  
calling of.

Voting,  
method of.

Election,  
how  
conducted.

SECTION 1. The common council of the city of Eaton Rapids is hereby authorized and empowered to borrow money on the faith and credit of said city and to issue bonds therefor in the sum not exceeding fifteen thousand dollars, to be used for the purpose of paying for paving street intersections on Main street, in the first ward of said city, and in paying not to exceed one-third of the remaining cost and expense of paving said street within the limits aforesaid as said common council may direct: *Provided*, That a majority of the qualified electors of said city, who are present and voting on said proposition at any annual election or at a special election called for that purpose, shall vote in favor of the said loan.

SEC. 2. Before any loan provided for in this act shall be voted upon at any such election, a public notice thereof shall be given by order of the common council, signed by the clerk of said city, by publishing the same in a newspaper in said city at least ten days before said election, and by posting a copy of such notice in at least three public places in each of the wards of said city not less than ten days before said election, and said notice shall state the time when and the place or places where the electors of said city will be called upon to vote upon such loan. The said common council is hereby authorized and empowered to call a special election at any time in its discretion for the above named purpose and in manner aforesaid, or to submit said proposition at any annual election held in said city.

SEC. 3. The vote on said proposition, under the provisions of this act, shall be by ballot, and said common council shall cause to be prepared ballots for the use of said electors desiring to vote upon said proposition, which shall be substantially in the following form: "For the issue of paving bonds, Yes, ( )," "For the issue of paving bonds, No, ( )." Electors using said ballots shall mark the same with a cross in the appropriate square and said ballots shall be deposited in a separate box marked "Paving Loan." Said election shall be conducted in the same manner as provided by the charter of said city for conducting special elections, excepting as herein otherwise provided, and the vote shall be counted and canvassed and the return shall be made and the result declared and determined in the same manner as is provided in

such charter for the counting, canvassing and returning of votes and the determining of the result thereof at special elections, and if, on such vote, on the question proposed, a majority of the voters vote "Yes," said bonds may be issued, otherwise not.

SEC. 4. If such loan shall be authorized by a majority of such electors voting upon said proposition at such election, coupon bonds may be issued in such sums, not exceeding in the aggregate the amount hereinbefore limited, payable at a time not exceeding twenty years from the date of issue, at a rate of interest not exceeding five per cent per annum, payable annually, as the said common council may by a majority vote of all the members elected determine and direct. Said bonds shall be signed by the mayor and countersigned by the clerk of said city, sealed with the seal of said city and negotiated by or under the direction of said common council, which bonds shall in no case be disposed of at less than their par value and shall be payable at such place or places as said common council may direct. The money arising therefrom shall be paid in and credited to the general street fund and be expended by said city for the purpose mentioned in section one of this act, and for no other purpose. Said common council shall have power, and it shall be its duty, to raise by taxes on the taxable property of said city, such sum or sums of money from time to time as shall be sufficient to pay the amount of said bonds and the interest thereon as the same shall become due; or to provide a sinking fund for the payment of said bonds, which taxes so to be assessed may be in addition to all other taxes which said city is now authorized to raise.

Bonds,  
issuing of,  
etc.

Sale of.

Money,  
where to  
credit.

Assessment  
to pay  
bonds.

SEC. 5. This act, or any provision thereof, shall not be construed to conflict with, repeal, supersede or abridge any of the provisions of the charter of said city with reference to defraying a part of the expenses of improving any street therein by paving the same as the common council may direct, by levying a special paving assessment or tax therefor upon the lands and premises included in a special paving assessment district to be constituted of the lands fronting upon that part of the street so improved or proposed to be improved, or constituted of lands fronting upon such improvement or proposed improvement, and such other lands as, in the opinion of the common council, may be benefited by the improvement proposed by said charter.

Act construed.

This act is ordered to take immediate effect.

Approved May 14, 1907.

[No. 549.]

AN ACT to prohibit the business of manufacturing, selling, furnishing, giving or delivering or keeping for sale spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors, except by druggists who sell such liquors for chemical, scientific, medical, mechanical or sacramental purposes only in the village of Tekonsha, county of Calhoun and State of Michigan.

*The People of the State of Michigan enact:*

Liquor,  
regulating  
sale of.

SECTION 1. It shall not be lawful for any person, firm or corporation to engage in the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors, within the limits of the village of Tekonsha, Calhoun county and State of Michigan: *Provided*, This act shall not apply to druggists who sell liquors for chemical, scientific, medical, mechanical or sacramental purposes only.

Proviso.

Violation and  
punishment.

SEC. 2. Any person, firm or corporation violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail of not less than ten days and not more than ninety days, or by both such imprisonment and fine, in the discretion of the court, and in case such fine and costs shall not have been paid at the time such imprisonment expires, the person serving out such penalty shall be further detained in jail until such fine and costs shall be entirely paid: *Provided*, That the imprisonment shall not exceed ninety days.

Proviso.

Time  
operative.

Exception.

SEC. 3. The provisions of this act shall be operative for the period of five years after the passage of this act, and thereafter: *Except*, That upon the petition of forty or more resident freehold voters of said village of Tekonsha, after five years, the question as to whether the provisions of said act shall remain and be in force shall be submitted by the village council to the qualified electors of said village, at the next ensuing regular village election, in such form as the village council may determine.

Petition,  
time of  
presentation.

SEC. 4. The petition hereinbefore referred to shall be presented to the village council at least thirty days before the time of the regular election. The holding of the election and canvassing of the votes upon the question of prohibition or no prohibition shall be as nearly as possible, according to the general laws of the State.

Continuance  
of law.

SEC. 5. If a majority of the qualified electors of said village vote in favor of continuing the provisions of this act in force, then it shall be so continued. If a majority of said electors vote against continuing this act in force, then its pro-

visions shall be and remain inoperative in said village until such time as the question shall again be submitted to said electors upon the petition herein provided for.

SEC. 6. The matter of continuing the provisions hereof may be submitted to the qualified electors of said village upon the filing of the petition provided for herein after five years, at periods of not less than two years.

Submission  
to electors.

This act is ordered to take immediate effect.

Approved May 15, 1907.

[No. 550.]

AN ACT to authorize and empower the common council of the city of Stanton, in the county of Montcalm and State of Michigan, by ordinance, to restrain, regulate and license saloons or any place or places wherein spirituous and intoxicating liquors are kept for sale within the said city of Stanton, and authorizing the enactment of suitable penalties for violations thereof.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of Stanton, in the county of Montcalm, and State of Michigan, shall be and are hereby empowered to enact such ordinances, by-laws and regulations as they may deem desirable, for the purpose of restraining, regulating and licensing saloons or any other place or places wherein spirituous and intoxicating liquors are sold or kept for sale, and to regulate and prescribe the location at which such spirituous and intoxicating liquors said county officers: *Providing, however,* That in the event of common council shall not exceed five hundred dollars.

Saloons,  
regulation of.

Proviso.

SEC. 2. When, at any time, said common council shall prescribe by ordinance that saloons or any other place or places wherein spirituous and intoxicating liquors are sold or offered or kept for sale, shall pay a license to the city of Stanton, then and after such ordinance shall have taken effect, no person shall engage in or begin or continue the business or occupation of keeping saloons or any other place or places wherein spirituous or intoxicating liquors are sold or offered or kept for sale within the city of Stanton, until said license shall have been fully paid as prescribed by said ordinance, nor shall the city council approve any bond thereafter presented under act three hundred thirteen of the public acts of eighteen hundred eighty-seven, by any person already engaged in the business of operating a saloon, or other place or places wherein spirituous and intoxicating liquors are sold or offered or kept for sale until he is first licensed by the common

License,  
council  
to prescribe  
payment.

[No. 549.]

AN ACT to prohibit the business of manufacturing, selling, furnishing, giving or delivering or keeping for sale spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors, except by druggists who sell such liquors for chemical, scientific, medical, mechanical or sacramental purposes only in the village of Tekonsha, county of Calhoun and State of Michigan.

*The People of the State of Michigan enact:*

Liquor,  
regulating  
sale of.

Proviso.

Violation and  
punishment.

Proviso.

Time  
operative.

Exception.

Petition,  
time of  
presentation.

Continuance  
of law.

SECTION 1. It shall not be lawful for any person, firm or corporation to engage in the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors, within the limits of the village of Tekonsha, Calhoun county and State of Michigan: *Provided*, This act shall not apply to druggists who sell liquors for chemical, scientific, medical, mechanical or sacramental purposes only.

SEC. 2. Any person, firm or corporation violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail of not less than ten days and not more than ninety days, or by both such imprisonment and fine, in the discretion of the court, and in case such fine and costs shall not have been paid at the time such imprisonment expires, the person serving out such penalty shall be further detained in jail until such fine and costs shall be entirely paid: *Provided*, That the imprisonment shall not exceed ninety days.

SEC. 3. The provisions of this act shall be operative for the period of five years after the passage of this act, and thereafter: *Except*, That upon the petition of forty or more resident freehold voters of said village of Tekonsha, after five years, the question as to whether the provisions of said act shall remain and be in force shall be submitted by the village council to the qualified electors of said village, at the next ensuing regular village election, in such form as the village council may determine.

SEC. 4. The petition hereinbefore referred to shall be presented to the village council at least thirty days before the time of the regular election. The holding of the election and canvassing of the votes upon the question of prohibition or no prohibition shall be as nearly as possible, according to the general laws of the State.

SEC. 5. If a majority of the qualified electors of said village vote in favor of continuing the provisions of this act in force, then it shall be so continued. If a majority of said electors vote against continuing this act in force, then its pro-

visions shall be and remain inoperative in said village until such time as the question shall again be submitted to said electors upon the petition herein provided for.

SEC. 6. The matter of continuing the provisions hereof may be submitted to the qualified electors of said village upon the filing of the petition provided for herein after five years, at periods of not less than two years. Submission  
to electors.

This act is ordered to take immediate effect.

Approved May 15, 1907.

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[No. 550.]

AN ACT to authorize and empower the common council of the city of Stanton, in the county of Montcalm and State of Michigan, by ordinance, to restrain, regulate and license saloons or any place or places wherein spirituous and intoxicating liquors are kept for sale within the said city of Stanton, and authorizing the enactment of suitable penalties for violations thereof.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of Stanton, in the county of Montcalm, and State of Michigan, shall be and are hereby empowered to enact such ordinances, by-laws and regulations as they may deem desirable, for the purpose of restraining, regulating and licensing saloons or any other place or places wherein spirituous and intoxicating liquors are sold or kept for sale, and to regulate and prescribe the location at which such spirituous and intoxicating liquors said county officers: *Providing, however,* That in the event of common council shall not exceed five hundred dollars. Saloons,  
regulation of.  
  
Proviso.

SEC. 2. When, at any time, said common council shall prescribe by ordinance that saloons or any other place or places wherein spirituous and intoxicating liquors are sold or offered or kept for sale, shall pay a license to the city of Stanton, then and after such ordinance shall have taken effect, no person shall engage in or begin or continue the business or occupation of keeping saloons or any other place or places wherein spirituous or intoxicating liquors are sold or offered or kept for sale within the city of Stanton, until said license shall have been fully paid as prescribed by said ordinance, nor shall the city council approve any bond thereafter presented under act three hundred thirteen of the public acts of eighteen hundred eighty-seven, by any person already engaged in the business of operating a saloon, or other place or places wherein spirituous and intoxicating liquors are sold or offered or kept for sale until he is first licensed by the common License,  
council  
to prescribe  
payment.

council of the city of Stanton under such regulations and penalties as the common council of said city may lawfully provide.

Punishment  
for violation.

SEC. 3. The common council of the city of Stanton is hereby authorized and empowered to provide by ordinance for the punishment of any person or persons, engaging in or beginning or continuing, even on liquor bonds heretofore approved, the business or occupation of keeping a saloon or other place or places wherein spirituous or intoxicating liquors are sold or offered or kept for sale, who shall neglect or refuse to procure a license or shall neglect or refuse to pay the amount of license provided by ordinance of the common council of the city of Stanton.

This act is ordered to take immediate effect.

Approved May 15, 1907.

[No. 551.]

AN ACT to provide for the payment of salaries to the sheriff, under sheriff, clerk, treasurer, register of deeds, deputies and clerks of said offices of St. Clair county, Michigan, and providing for the collection of all fees and payment of the same to the county treasurer.

*The People of the State of Michigan enact:*

Salaries of  
county  
officers.

SECTION 1. The board of supervisors of St. Clair county, Michigan, is hereby empowered to pay the sheriff, under sheriff, county clerk, county treasurer, register of deeds and such deputies and clerks for each of said officers as the board of supervisors allow, out of the county treasury, such annual salaries as the board of supervisors may determine as hereinafter provided. Such salaries shall be fixed and determined by said board at its first meeting held after the adoption of this act, by a majority of the electors of said county, and at the annual meeting held in October, nineteen hundred ten, and every two years thereafter, prior to the commencement of the terms of said officers, and such compensation shall be in full for all services for which the county may be liable and in lieu of all fees which are fixed by law, and no salaries shall be increased or diminished during the term for which they have been fixed by the said board of supervisors: *Provided, however,* That in the event of the creation and appointment of a board of county auditors in said county that such board shall determine the number of deputies and clerks that each of said officers can appoint.

Proviso.

Amounts of  
salaries.

SEC. 2. The annual salaries as provided by this act shall be as follows: For the sheriff not less than twenty-five hun-



dred nor more than thirty-five hundred dollars; for the clerk, treasurer and register of deeds not less than two thousand nor more than three thousand dollars each, and for the deputies and clerks of each of said officers not less than six hundred nor more than twelve hundred dollars each. The under sheriff shall receive an annual salary of not less than six hundred nor more than twelve hundred dollars: *Provided, however,* That no salary will be paid to the under sheriff unless he is constantly actually engaged in the work and duties of his office and is not engaged in any other work or business. The salaries aforesaid shall be paid monthly by the county treasurer upon a warrant issued by the county clerk, but not until an itemized sworn statement of all fees collected and paid over to the county treasurer has been filed as hereinafter provided. Proviso.

SEC. 3. The sheriff, clerk, treasurer, and register of deeds shall collect all fees, per diem, mileage, percentage, emoluments, perquisites, and compensation that can be legally charged for all work in connection with their respective offices, and make out an itemized sworn statement of the same and pay them to the county treasurer on the last day of each month, taking duplicate receipts therefor. A copy of said receipt shall be filed with the county clerk, who shall thereupon issue a warrant upon the treasurer for such salary. In the event of the creation of a board of auditors for St. Clair county, each of said officers shall file a similar sworn statement and one of said receipts with the board of auditors and no warrant for the payment of salary shall be paid by the county treasurer until it is signed by the chairman and countersigned by the secretary of said board, in which event it will not be necessary to file such receipt with the county clerk and no warrant for salaries herein provided shall be issued by the county clerk. The under sheriff and all deputies and clerks for the county officers mentioned herein shall turn all fees, mileage, per diem, percentage, perquisites, emoluments, and compensation collected by them over to their superior officer, who shall make report of the same as above provided, stating in such report the name of the under sheriff, deputy or clerk, the amount received from him, date of the same, and what it was paid for. Fees, etc., collection and payment of.

SEC. 4. All moneys received by the county treasurer by virtue of this act shall be credited to the general fund of the county. Fees, duties of deputies and clerks relative to.

SEC. 5. The annual salaries provided herein shall constitute the whole compensation which shall be allowed or received by any of said officers for their official services which may be performed by them, as required or authorized by existing laws or any laws which may hereinafter be enacted, by virtue of their respective offices, and no compensation, payment or allowance shall be made to them for their services as such county officer except the salary aforesaid. General fund.

Salaries to constitute entire compensation.

Accounts and  
records.

SEC. 6. The said county officers shall keep in their respective offices proper book or books to be provided for that purpose, and keep an exact and true account of all official services performed by them and of all fees, moneys, perquisites and emoluments received or chargeable by them therefor, pursuant to law. Such book or books shall be a complete record and shall show when and for whom their services shall have been performed, its nature, and the fees chargeable therefor, and at all times during office hours shall be open to the inspection of any person.

Supplies  
necessary  
paid for by  
county.

SEC. 7. All supplies of whatever nature necessary for the proper maintenance of any of said county offices shall be provided by such officers, and the actual and necessary expense in providing the same shall be county charges and paid by the county as follows: The said officers shall keep correct and itemized accounts of such expenses in a book or books provided for that purpose at the expense of the county; each item of such account shall specify the date at which it was incurred, to whom, date and place paid, and for what and the purpose for which it was paid; each county officer shall also obtain a voucher for each item incurred by him, and any item exceeding the sum of twenty-five dollars shall be duly verified as to its correctness and the payment thereof by an affidavit of the person furnishing the same; in no event is any county officer to retain and keep in his possession any fees or moneys collected by him in his official capacity to off-set any moneys expended in the maintenance of his office, but all moneys received by said county officers shall be paid into the county treasury as aforesaid, and all moneys paid out by said county officers for supplies, only, in maintaining their said offices shall be repaid to said county officers upon filing an itemized sworn statement of the same on the last day of every month with the county treasurer and county clerk; the county clerk, upon receipt of said statement, shall issue his order upon the county treasurer for the payment of said moneys paid out for supplies, only, in maintaining said county offices: *Providing, however,* That in the event of the creation of a board of county auditors said itemized sworn statement of moneys paid out shall be filed with said board of auditors and said warrant for the payment of moneys expended by county officers for supplies and maintenance of their respective offices shall not be paid by the county treasurer until a warrant has been issued by the chairman and countersigned by the secretary of said board of auditors, in which event the county clerk shall not issue said warrants.

Proviso.

Deputies,  
additional,  
appointment,  
pay.

SEC. 8. In times of emergency, the circuit court for the county of St. Clair may, upon the petition of the sheriff or prosecuting attorney of St. Clair county showing the necessity therefor, enter an order authorizing the sheriff to appoint for such day or days as may be required one or more additional deputies, who for services actually rendered shall receive the sum of three dollars per day and no other com-

pensation whatsoever. Upon the completion of his services, each deputy so appointed shall make and file with the board of county auditors, if one exists and if not then to the county clerk, a full detailed report including his actual expense account, duly verified, or services rendered and official acts performed during the period of service, of all moneys received in fees, mileage, perquisites and emoluments on account of said appointment, and at the same time shall pay over to the county treasurer all moneys so received, which shall thereupon become the money of St. Clair county. The sheriff may also appoint deputy sheriffs to protect private interests, who shall receive no compensation from St. Clair county for services on account of such appointment. Such deputies so appointed may be required by the board of supervisors to file a detailed statement with the county clerk or board of auditors of all of their official acts.

SEC. 9. Any officer, deputy or clerk, who shall secure to his own use or for the use of another, any fee, perquisite, or emoluments contrary to the provisions of this act, or who shall neglect to account for any fee, perquisite or emolument by this act belonging to the county of St. Clair, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than six months, or both in the discretion of the court, and shall be liable in a civil action to the county for all moneys so received or received for the use of the county, in not accounting for and paid over to the treasurer, pursuant to the requirements of this act.

Fees, neglect  
to account  
for.

SEC. 10. Such sheriff, clerk, treasurer and register of deeds, before entering upon the duties of their respective offices shall execute to the county of St. Clair and file with the county treasurer of said county, a bond in addition to any other required by law, in the sum of one thousand dollars, with sufficient sureties, to be approved by the clerk, treasurer and prosecuting attorney, to the effect that they will faithfully perform the duties involved upon them, and pay over to the county treasurer all moneys which shall come into their hands as herein provided: *Provided, however,* That in the event of the creation of a board of county auditors that the bond referred to in this section shall be approved by said board instead of the clerk, treasurer and prosecuting attorney.

Bond, officers  
to execute.

Provido.

SEC. 11. The question of the adoption of the provisions of this act shall be submitted to the people of St. Clair county, at the election to be held on the Tuesday succeeding the first Monday in November, in the year nineteen hundred eight, and the sheriff of said county is required to give like notice of the same as he is required to give to the several wards and townships at the said biennial election. Suitable ballot boxes shall be prepared for the reception of the ballots

Adoption by  
vote of  
people.

Form of  
ballots.

cast on said proposition in the several townships, wards and precincts of the said county. The form of the ballots to be used shall be the following:

"To place county officers on salary. Yes ( )"

"To place county officers on salary. No ( )"

The said ballots shall be prepared, furnished and distributed in the same manner as the other ballots used in such election, and the several boards of election inspectors shall see to it that the same are furnished to the electors in the same manner as other ballots are furnished. Said ballots shall be counted, canvassed and returned the same as other ballots cast at said election. If the majority of all ballots cast on said proposition by the electors of said county shall be in the affirmative, then the provisions of this act shall be in full force and effect in said county commencing January one, nineteen hundred nine, otherwise not.

Repealing  
clause.

SEC. 12. All acts or parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 22, 1907.

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[No. 552.]

AN ACT to provide for the creation of a board of county auditors for the county of St. Clair, to prescribe the powers and duties of its members, and to provide for their compensation.

*The People of the State of Michigan enact:*

Board of  
county  
auditors,  
to create.

SECTION 1. There is hereby created a board of auditors for the county of St. Clair, State of Michigan, the said board to be appointed and the provisions of this act to take effect only after the passage of a resolution by a majority of the members of the board of supervisors for said St. Clair county, declaring in words that such act shall become operative.

Qualifications,  
term,  
appointment.

SEC. 2. After the passage of said resolution, said board shall elect three suitable persons, residents of St. Clair county, as such auditors, one for the term of one year, one for two years and one for three years, and annually thereafter shall elect one auditor for the full term of three years, one of which auditors shall be designated by the board of supervisors as the secretary of the board of auditors and his successor shall thereafter be so designated. Such auditors shall hold office until their successors are elected and qualified. No member of the board of supervisors and no person holding any other office or employment under the county

of St. Clair, and no person not being an elector of said county shall be eligible to election as a member of said board of auditors.

SEC. 3. At the first meeting of the said board of auditors, after the passage of this act and after the passage of the resolution by the board of supervisors as aforesaid, and at the first meeting in each January thereafter, it shall proceed to elect a chairman from among its members. The chairman of said board shall, when present, preside over its meetings. The secretary of said board shall, in addition to all such duties as may devolve upon him, keep a record of all business transacted by said board and minutes of the proceedings and all meetings held and have charge of all letters, papers and documents. The members of said board, other than the secretary, shall receive compensation at a rate not to exceed three hundred fifty dollars per annum, and the secretary a salary not to exceed one thousand dollars per year, such compensation to be fixed by the board of supervisors at its annual meeting held in October of each year. Any two members of said board shall constitute a quorum for the transaction of business.

Chairman,  
election of,  
duties.

Secretary,  
duties of.

Members of  
board,  
compensation.

SEC. 4. The said board of county auditors shall maintain and have an office in the city hall of the city of Port Huron or the court house of the county of St. Clair. The said board of auditors shall meet for the transaction of business at its office at least on the first two days after the expiration of the first two weeks and the last two days of each and every month, except the last month of the year, when said board shall be in session from the twentieth day of December until such time as may be necessary to properly transact all business then pending before it. The secretary of said board of auditors shall be at all times present in the office of said board and shall keep the same open to the public from eight o'clock in the forenoon to five o'clock in the afternoon. It shall be the duty of the secretary, in addition to other duties, to at least once a month properly audit the books of the sheriff, clerk, treasurer and register of deeds.

Office,  
location of.

Meeting,  
time of.

Secretary,  
additional  
duties.

SEC. 5. No claims against the county of St. Clair, including all claims and accounts incurred by the county drain commission, shall be paid by the treasurer of St. Clair county until it shall have been duly audited and allowed by the board of auditors, and payment of an audited claim shall be made only upon a warrant duly signed by the chairman and countersigned by the secretary of the board of auditors, except in the case of jury and witness fees, primary school moneys and such other funds as may come into the hands of the county treasurer, which are created by and disbursed under special statutes relating thereto, and excepting further payment of the board of supervisors for their services when in session as a board and on committees of the board of supervisors, the pay to be received by members of the board of supervisors to be paid by the treasurer upon resolution of

Claims and  
accounts,  
payment of.

Proviso.	said board confirming its pay roll: <i>Provided, however,</i> That said board may allow the county board of superintendents of the poor a petty cash account not exceeding one hundred dollars, and the sheriff of St. Clair county a petty cash account not exceeding three hundred dollars. Any violator of this section of the statute shall, upon conviction thereof, be punished by a fine of not exceeding one thousand dollars or by imprisonment not exceeding two years, or by both such fine and imprisonment in the discretion of the court.
Powers and duties of board. Auditing claims.	<p>Sec. 6. Said board shall have power and it is hereby expressly authorized and directed:</p> <p>First, To audit all claims except such claims and accounts as are excepted in section five hereof, which are chargeable against St. Clair county, and to draw warrants therefor which are to be duly signed by the chairman and countersigned by its secretary, but no warrant shall be drawn or issued by said board except for the amount of a just claim against said county which has been duly allowed by said board;</p>
Purchasing supplies.	<p>Second, To purchase such books, stationery, blanks, printed matter and general supplies as shall be necessary for the use of the county and its offices and the circuit courts;</p>
Court house, maintenance of.	<p>Third, To have immediate charge and control of the court house in said county, and to provide for the maintaining of same in an appropriate manner, the repairs of the same, however, to be under the control of the building committee of the board of supervisors;</p>
County officers, examination of accounts of.	<p>Fourth, To examine the books and accounts of all county officers. The said board may, as often as it deems necessary, require the accounts and vouchers of any county officer to be presented for examination. Whenever any moneys are paid to the county treasurer by an officer or agent of St. Clair county, such officer or agent shall take duplicate receipts therefor, a copy of which shall be filed forthwith in the office of said board, and said treasurer shall, at the end of each month, and at such other times as may be required by said board, report to said board all moneys received by him from and after the time of making his last report;</p>
Deputies, clerks, etc., to recommend appointment of.	<p>Fifth, To recommend to the board of supervisors the number of deputies, clerks, assistants and other help necessary in the several county offices, and a reasonable compensation for the deputies, clerks and assistants employed therein and in the circuit court when not otherwise provided by law;</p>
County officers, to require reports from.	<p>Sixth, To require any county officer to make a report under oath on any subject or matter connected with the duties of his office. Any person violating the provisions of this subdivision shall, upon conviction thereof, be punished as provided in section five hereof;</p>
Bonds, official to approve.	<p>Seventh, To approve any and all official bonds in which the county may be interested, where the approval of such bonds is not otherwise provided by law, and where not otherwise provided by law the board may require any officer, deputy,</p>

assistant or clerk to give bonds to the people of the State of Michigan in such sum as it deems reasonable and necessary for the faithful performance of their respective duties;

Eighth, To summon witnesses, administer oaths, and take testimony as to the legality or justness of any bill or claim pending before said board; Claims, etc., to summon witnesses as to legality of.

Ninth, To publish in some newspaper of said county, on or before the first Saturday of each month, a statement signed by the secretary of all claims against the county passed upon by the board during the preceding month, the amount thereof, by whom presented and whether allowed or disallowed, in whole or in part; Claims, action on, publishing.

Tenth, To prepare annually before the second Tuesday in October a detailed estimate of the necessary expenses of the county for the ensuing calendar year, together with an estimate of the probable receipts of the county from all sources other than taxation. These estimates shall be presented to the board of supervisors at its annual session on the second Tuesday in October, with the recommendation of said board of auditors as to the amount of money necessary to be raised by taxation for the several purposes of county expenditures. Expenses of county, make estimate.

SEC. 7. No member of said board of auditors shall be directly or indirectly interested in any contract with St. Clair county, which may involve the expenditure of any county moneys, or in the sale of supplies to said county, or in the performance of any paid service for said county, other than his services as a member of said board. Member of board, interest in contracts.

SEC. 8. The prosecuting attorney for the county of St. Clair shall be the legal advisor of said board of auditors, and shall, on his own motion, investigate the findings of said board whenever, in his opinion, the public service will be benefited thereby, and shall institute criminal proceedings against the members of said board or any of them, for malfeasance or misfeasance in office. Legal advisor.

SEC. 9. Any member of said board of auditors who shall enter into collusion with any claimant or with any other person, or persons, to defraud said county or shall wilfully violate any of the provisions of this act, or shall wilfully or grossly neglect the duties of his office, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section five hereof. The conviction of any auditor for violation of any of the provisions hereof shall vacate the office of such auditor. Violations, punishment for.

SEC. 10. Before entering upon his official duties each member of the board of auditors shall take and subscribe the constitutional oath of office, and file the same in the office of the county clerk. Oath of office.

SEC. 11. All acts or parts of acts in conflict with or in anywise contravening any of the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved May 22, 1907.

[No. 553.]

AN ACT to authorize the district board of the public schools of the village of Jerome in the county of Hillsdale, to borrow money and to issue bonds therefor, for the erection of a school building for said district and furnishing of the same.

*The People of the State of Michigan enact:*

Bond issue  
for school  
house.

SECTION 1. The district board of the public school of the village of Jerome, county of Hillsdale, is hereby authorized to borrow on the faith and credit of said school district a sum of money not to exceed three thousand dollars, and to issue the bonds of said school district therefor, the money so borrowed to be used for the erection of a school building for said district, and for the furnishing thereof: *Provided*, That a majority of the electors of said district who are qualified to vote at the annual school district meetings of said district upon questions relating to the raising of money for school purposes in said district and who are present and voting upon such proposition at an annual meeting or at a special meeting called for that purpose, shall have voted therefor and authorized a specific sum to be so raised.

Proviso.

Electors, to  
submit  
question to.

SEC. 2. The board of trustees of said district shall submit the question of the making of such loan to the electors mentioned in section one of this act, at any annual meeting of said district, or at a special meeting called for that purpose, and public notice thereof shall be given by said district board by causing copies of such notice to be posted up in at least three public places in said district not less than ten days before the time of such meeting, which notice shall state that the electors will be called upon at such meeting to vote upon the making of such loan, naming in such notice a specific sum to be raised; and the said district board is hereby authorized to call a special meeting of such electors, at any time in its discretion for the above named purpose, and by giving the notice aforesaid.

Board of  
inspection,  
who to  
constitute.

SEC. 3. At such annual meeting or at the special meeting provided for in section two, the president, secretary and treasurer of said school district shall constitute a board of inspection, and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open six hours after the time fixed for the meeting in the notices thereof. The vote shall be by ballot, either printed or written, or partly printed or partly written, and such ballots shall be in the following form, namely, "For the loan—Yes," and "For the loan—No," and shall be deposited in a separate ballot box provided for that purpose. At the closing of the polls the said inspectors shall canvass the vote cast upon said proposition and shall publicly declare the result and record the same in the school district records.

Ballot,  
form of.



SEC. 4. If at such meeting a majority of the qualified electors present thereat and voting upon said proposition shall vote in favor of such loan, the district board of said district shall thereupon be authorized to borrow the amount of money so designated in the notice of said meeting and to issue the bonds of the district therefor in denominations not exceeding one thousand dollars each and at a rate of interest not exceeding five per cent. per annum and for a period not exceeding fifteen years, which bonds shall be executed in such form and by such officers and in such manner as said board shall direct.

Bonds,  
denomination  
of, interest.

SEC. 5. If said loan is made under the provisions of this act, the district board of said district is hereby authorized and directed to raise by tax in each year thereafter in addition to all other school taxes, a sum sufficient to provide for a sinking fund for the payment of the principal and the interest thereof at maturity, said tax to be levied, assessed and collected as other taxes are levied and collected.

Tax,  
levying, etc.,  
of.

This act is ordered to take immediate effect.

Approved May 22, 1907.

[No. 554.]

AN ACT to amend sections one and nine of chapter twenty of an act entitled "An act to incorporate the city of Flint, and repeal all acts and parts of acts inconsistent herewith," as amended, approved March twenty-first, nineteen hundred and one.

*The People of the State of Michigan enact:*

SECTION 1. Sections one and nine of chapter twenty of an act entitled "An act to incorporate the city of Flint, and repeal all acts and parts of acts inconsistent herewith," as amended, is hereby amended to read as follows:

Sections  
amended.

SECTION 1. The common council shall have power to cause the expense of making, paving, grading and opening of streets, lanes, alleys, sidewalks, parks, public grounds, sewers and other local improvements to be assessed in whole or in part against the owners or occupants of property to be especially benefited thereby, or by general tax in whole or in part, as it shall deem just and proper: *Provided*, That hereafter, when any trunk line intercepting sewer or sewers shall be constructed, the cost and expense of such part thereof as shall be designed primarily for the benefit of the health of the whole city, shall be assessed against the city at large; trunk line intercepting sewers shall be taken and understood to mean any sewer or sewers, the prin-

Paving, etc.,  
assessment of  
expense of.

Proviso, as to  
trunk line  
sewers.

Proviso.

Assessment,  
irregular,  
reassessment  
when.

Proviso.

cipal object and purpose of which shall be a general benefit to the health of the city, or which shall be constructed primarily for the purpose of protecting and preserving the salubrity of the waters of the Flint river, and particularly any sewer or sewers which shall parallel the river for the purpose of receiving the sewage of other sewers theretofore or thereafter constructed, which would otherwise be emptied into and pollute the water of said river, and the said common council, in addition to the manner provided by this charter, shall also have full power to provide by ordinance for the construction and repair of side and cross walks in said city, and for the levy and collection of the taxes to defray the expenses of the same, and for the sale and return of the lands delinquent for such taxes, in any manner that shall be deemed reasonable and just: *Provided*, That the proportionate part and expense of grading and paving street crossings and cross walks shall be borne by the general highway and street improvement fund.

SEC. 9. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or, if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or any part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment of said premises, and the reassessment shall to that extent be deemed satisfied. No judgment or decree, nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or, as by regular mode of proceeding, might have been lawfully assessed thereon: *Provided*, That whenever any such special assessment heretofore or hereafter made, or the proceedings upon which the same are based, shall be so irregular or defective that the common council, or court setting aside the same, shall be unable to ascertain from the proceedings upon which the same are based, the actual benefits accruing to the property within the special assessment district created therefor, the common council shall cause a reassessment to be made in accordance with the provisions of this section, and the total amount of the new assessment shall be determined by estimates to be furnished by the city engineer, when directed by the common council, showing the reasonable and fair cost of the improvement after such esti-

mates shall have been approved and confirmed by the common council.

This act is ordered to take immediate effect.

Approved May 22, 1907.

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[No. 555.]

AN ACT to repeal act number two hundred eighty-six of the local acts of eighteen hundred ninety-three, entitled "An act to fix the salary of the probate judge of Bay county," approved March fifteenth, eighteen hundred ninety-three.

*The People of the State of Michigan enact:*

SECTION 1. Act number two hundred eighty-six of the local acts of eighteen hundred ninety-three, entitled "An act to fix the salary of the probate judge of Bay county," approved March fifteenth, eighteen hundred ninety-three, is hereby repealed. Act repealed.

This act is ordered to take immediate effect.

Approved May 22, 1907.

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[No. 556.]

AN ACT to authorize the board of health of the township of Essex in the county of Clinton to enlarge burying grounds or cemeteries in said township and approaches thereto, and to provide the manner of acquiring private property for such purpose.

*The People of the State of Michigan enact:*

SECTION 1. The board of health of the township of Essex in the county of Clinton, whenever it may deem it desirable and necessary, may enlarge the limits of any existing burying ground or cemetery within said township, and may enlarge the limits of any existing approach to any burying ground or cemetery in said township; and, in case said board of health shall be unable to agree with the owner or owners of any land or any rights therein which said board of health desires to include within the limits of such burying ground or cemetery or approaches thereto, as to the compensation to be paid therefor, the said board of health may authorize one or more of its members to apply to the circuit judge or any

Burying grounds, board of health to enlarge.

circuit court commissioner of said county, or to any justice of the peace of said township, for a jury of the vicinage to ascertain and determine the just compensation to be made for the real estate required by said board of health for any enlargement thereof, or approaches thereto, and the necessity for using the same; which application shall be in writing and shall describe the real estate required by such board as accurately as is required in a conveyance of real estate.

Condemnation  
of lands.

Sec. 2. All subsequent proceedings for the condemnation of said lands shall be in accordance with the provisions of sections four thousand seven hundred thirty to four thousand seven hundred forty-two inclusive of the Compiled Laws of eighteen hundred ninety-seven, relative to acquiring and condemning lands for schoolhouse sites, in so far as the same are applicable.

This act is ordered to take immediate effect.

Approved May 22, 1907.

[No. 557.]

AN ACT authorizing and empowering the public schools of the city of Wyandotte, in the county of Wayne, to borrow money for the purpose of building, furnishing and equipping a school house in said city.

*The People of the State of Michigan enact:*

Borrow  
money for  
schoolhouse.

SECTION 1. The public schools of the city of Wyandotte, in the county of Wayne, are hereby authorized to borrow thirty thousand dollars for the purpose of building, furnishing and equipping a school house in said city.

Bond issue,  
amount,  
denomination.

Sec. 2. Such money shall be borrowed on the faith and credit of the public schools of the city of Wyandotte, and the board of education of the public schools of said city is hereby authorized and empowered to issue the bonds of the public schools of such city in the sum of thirty thousand dollars to secure such loan. Such bonds shall be numbered serially from one to thirty, shall be in denominations of one thousand dollars each, shall draw interest at a rate not exceeding five per cent per annum, and shall mature one each year in the order of their numbering.

Electors,  
submission  
of question  
to.

Sec. 3. Before such bonds shall be issued the board of education of said city shall submit the proposition of issuing such bonds to the electors of said city qualified under the general school laws of this State to vote on like propositions, at a special election to be held at such time and place as said board of education may direct, after giving six days notice of such election, by publishing the same in one or more of the

newspapers published and circulating in said city, and also by posting notices in twelve of the most public places in said city.

SEC. 4. At such special election the board of education of said city shall cause to be prepared a sufficient number of ballots in the following form: For the loan  $\left\{ \begin{array}{l} \text{Yes } [ ] \\ \text{No } [ ] \end{array} \right.$  Ballot, form of.

And the voter shall designate his choice by a cross placed in the proper square. The polls of such election shall be kept open without intermission from eight o'clock a. m. until eight p. m., and the ballots shall be canvassed and returns made in the same manner as near as may be as at annual school elections held in cities of the fourth class. Should a majority of the qualified electors of said city voting at such election, vote in favor of such proposition, said board of education may proceed immediately to advertise for a sale of the bonds herein provided for, the same to be sold to the highest bidder therefor, but at not less than the par value of such bonds. Bonds, advertising sale of.

SEC. 5. The proceeds arising from the sale of said bonds shall be expended under the direction of said board of education for the purpose aforesaid. Money, expenditure of.

SEC. 6. The said board of education shall, from year to year until the bonds are fully paid, include in its estimate a sufficient sum to be levied upon the taxable property of the district, to pay said bonds and the interest thereon as they fall due. Tax, levying of.

This act is ordered to take immediate effect.

Approved May 22, 1907.

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[No. 558.]

AN ACT to detach certain territory from the township of Huron, in the county of Huron, and attach the same to the township of Port Austin, in said county.

*The People of the State of Michigan enact:*

SECTION 1. Fractional sections thirty, thirty-one, thirty-two, thirty-three and thirty-four of township number nineteen north, range fourteen east, in Huron county, Michigan, shall be and are hereby detached from the township of Huron in the said county and attached to and shall hereafter constitute and be made a part of the township of Port Austin, in said county. Territory attached.

SEC. 2. Said fractional sections thirty, thirty-one, thirty-two, thirty-three and thirty-four, in said township number nineteen north, range fourteen east, are hereby constituted a Assessed as part of certain township.

part of said township of Port Austin for assessment purposes during the year nineteen hundred seven, and taxes thereon for the said year nineteen hundred seven shall be assessed and collected by said township of Port Austin.

Repealing  
clause.

SEC. 3. All acts and parts of acts contravening any of the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 22, 1907.

[No. 559.]

AN ACT to authorize and empower the city of Big Rapids, in the county of Mecosta and State of Michigan, to raise or borrow money and to issue bonds therefor, not to exceed twenty-five thousand dollars, with which to purchase a site for a public park and for the improvement thereof in said city of Big Rapids.

*The People of the State of Michigan enact:*

Bond issue  
for park  
site.

SECTION 1. The city of Big Rapids, in the county of Mecosta and State of Michigan, is hereby authorized and empowered to raise or borrow money on the faith and credit of said city and to issue bonds therefor to an amount not exceeding twenty-five thousand dollars, which shall be expended for the purchase of a site for a public park, and for the improvement thereof in said city of Big Rapids: *Provided*, The council of said city, by a two-thirds vote, shall first determine so to do: And *Provided further*, That two-thirds of the qualified electors of said city, voting on the question of such loan, at an election held in accordance with the provisions of the act, shall vote in favor of said loan.

Proviso.

Further  
proviso.

Electors,  
submission of  
question to.

SEC. 2. Before any money shall be borrowed, appropriated, raised or expended under and in pursuance of this act, for the purchase of a site for a public park or for the improvement thereof in said city, the question of raising the amount required for such purpose shall be submitted to the electors of said city at any annual election, or at a special election called for that purpose by the council, and shall be determined as two-thirds of the electors voting at such election, by ballot, shall decide: *Provided*, That if a special election is held it shall be held in all respects as provided for holding special elections, and likewise if such vote be taken at any annual election it shall be held in all respects as provided for submitting such matters at annual elections by act number two hundred fifteen of the public acts of this State for the year A. D. eighteen hundred ninety-five, entitled

Proviso.

"An act to provide for the incorporation of cities of the fourth class."

SEC. 3. If such loan shall be authorized by two-thirds of the electors voting at such election, the council of said city shall have the power to fix the time and place of payment of the principal and interest of the debt contracted under the provisions of this act, and to issue bonds of the city therefor in such sums, not exceeding the amount hereinbefore limited, at such rates of interest, not exceeding five per cent, as the said council, by resolution, shall direct; said bonds shall be signed by the mayor and countersigned by the clerk of said city, sealed with the seal thereof, and shall be negotiated under the directions of said council, but not for less than the face value thereof.

Council, powers of, relative to payment of debt, and issue of bonds.

This act is ordered to take immediate effect.

Approved May 22, 1907.

[No. 560.]

AN ACT in relation to the business of selling, furnishing, delivering or keeping for sale any intoxicating or spirituous liquors, or malt, brewed, fermented or vinous liquors and to prescribe the location where the same shall be sold in the city of Saint Johns, Clinton county.

*The People of the State of Michigan enact:*

SECTION 1. The city of Saint Johns, in the county of Clinton, is hereby authorized to restrict, regulate and license saloons and other places, except drug stores, where intoxicating or spirituous liquors, or malt, brewed, fermented or vinous liquors are sold or kept for sale, and may regulate and prescribe the location of such saloons or other places, except drug stores, where such liquors are sold or kept for sale.

Saloons, etc., regulation of.

SEC. 2. All persons, except druggists, who shall engage in the business of selling or keeping for sale any spirituous or malt, brewed, fermented or vinous liquors within said city of Saint Johns shall be required to pay into the treasury of said city a license fee in such sum as may be fixed by the city council by ordinance or resolution, not to exceed five hundred dollars.

License fees, local.

SEC. 3. It shall be unlawful for any person or persons, except druggists, to engage or continue in the business of selling or keeping for sale any spirituous or intoxicating liquors or malt, brewed, fermented or vinous liquors within the limits of the said city of Saint Johns from and after this act takes effect, without having first procured from

License.

the city council of said city the license referred to in section two of this act.

License,  
application  
for.

SEC. 4. Every person desiring to engage in or continue in the business of selling or keeping for sale any spirituous liquors or malt, brewed, fermented or vinous liquors within the said city of Saint Johns shall make application in writing to the city council of said city for said license for such purpose, which application shall state the street number or otherwise describe the location of the place where such business is to be carried on. Such application shall also contain an agreement on the part of the applicant that he will accept a license if granted him upon the express condition that it may be revoked at the will of the city council. Any such applicant shall, before receiving said license, pay to the city clerk of said city as a license fee such sum as may be fixed and determined by the said city council by ordinance or resolution, not exceeding five hundred dollars. Such license, if issued, shall state the number or location of the place of business as described in the application and shall not be transferred to any other location in said city without the consent of the city council, and no license issued as aforesaid shall be for a period beyond the first day of May next after such license is issued. Such license shall also contain the express stipulation and condition that it may be revoked at the will of the city council. In case such license is revoked the unearned portion of the city license fee shall be refunded: *Provided*, That the provisions of this section shall not apply to druggists who are engaged in the sale of spirituous and intoxicating liquors in strict compliance with the laws of this State.

Proviso.

Bond,  
may require.

SEC. 5. The city council may require every applicant for a license under the provisions of this act to furnish a bond in such sum, not exceeding three thousand dollars, and with such sureties as may be prescribed by the city council, such bonds to be conditioned for the faithful observance of and compliance with all lawful rules, regulations, restrictions, ordinances and resolutions made, enacted or prescribed by the city council concerning the conducting of said business.

Saloons, etc.,  
authority to  
limit number.

SEC. 6. The said city council is hereby authorized and empowered to restrict and limit the number of saloons or other places, except drug stores, where spirituous or intoxicating liquors or malt, brewed, fermented or vinous liquors are sold or kept for sale in said city and is hereby prohibited from issuing licenses, except as hereinafter provided, for the sale within said city, of any such intoxicating liquors in a number, in excess of one saloon or place where such liquors are sold or kept for sale, except drug stores, to each five hundred inhabitants of said city or major fraction thereof as shown by the last State or Federal census: *Provided*, That the total number of licenses issued during any one year shall not exceed nine: *Provided further*, That from and after the time this act shall take effect no license shall be granted by the

Proviso.

Further  
proviso.



city council of said city to any person or persons, except druggists, lawfully engaged in said business of selling or keeping for sale spirituous or intoxicating liquors, or malt, brewed, fermented or vinous liquors in said city on the thirtieth day of April, nineteen hundred eight, and on the thirtieth day of April, every year thereafter until such time as the number of saloons or other places, except drug stores, where such liquors are sold or kept for sale in said city, shall be less than one for each five hundred inhabitants of said city as shown by the then last State or Federal census.

SEC. 7. No license granted under authority of this act shall be transferable. Any license may be revoked by the city council for or on account of the violation or non-observance of such rule, regulation, restriction, ordinance or resolution as may be prescribed or enacted by the city council, concerning the manner of conducting the business of selling or keeping for sale any such intoxicating or spirituous liquors, malt, brewed, fermented or vinous liquors within said city: *Provided*, That the owner of any such license shall be given a hearing before the city council before such license may be revoked.

License not transferable.

Proviso.

SEC. 8. Said city council may adopt rules, regulations and ordinances prohibiting noise, riot, or disturbance, or games of dice or games of chance, and prohibit the use of any slot machine or device for gambling within or upon the premises or building in which any applicant shall be granted a license to conduct such business as is referred to in this act. The said city council may also prohibit any music or entertainment adjacent to or within or upon the premises or building in which any applicant is granted permission to carry on the business referred to in this act, for the purpose of attracting persons to such place of business, and may prescribe penalties for the sale of any such liquors as are referred to in this act to minors or to any adult person who is at the time intoxicated, or to any person who is in the habit of becoming intoxicated, or to an habitual drunkard. Said city council is also given authority to prescribe and adopt any and all such other rules, regulations and ordinances as may be consistent with the provisions of this act.

Conduct, games, etc., regulation in saloons, etc.

Music, etc.

SEC. 9. Any person to whom a license shall be granted by the city council, under authority of this act, and who shall violate any of the provisions of this act, or any rule, regulation or ordinance prescribed or adopted by the city council relative to the business of selling or keeping for sale any such liquors as are herein referred to, shall upon conviction thereof, in addition to having his license revoked by the city council, be fined not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not more than ninety days, or both such fine and imprisonment in the discretion of the court.

Violation, punishment for.

This act is ordered to take immediate effect.

Approved May 22, 1907.

[No. 553.]

AN ACT to authorize the district board of the public schools of the village of Jerome in the county of Hillsdale, to borrow money and to issue bonds therefor, for the erection of a school building for said district and furnishing of the same.

*The People of the State of Michigan enact:*

Bond issue  
for school  
house.

Proviso.

Electors, to  
submit  
question to.

Board of  
inspection,  
who to  
constitute.

Ballot,  
form of.

SECTION 1. The district board of the public school of the village of Jerome, county of Hillsdale, is hereby authorized to borrow on the faith and credit of said school district a sum of money not to exceed three thousand dollars, and to issue the bonds of said school district therefor, the money so borrowed to be used for the erection of a school building for said district, and for the furnishing thereof: *Provided*, That a majority of the electors of said district who are qualified to vote at the annual school district meetings of said district upon questions relating to the raising of money for school purposes in said district and who are present and voting upon such proposition at an annual meeting or at a special meeting called for that purpose, shall have voted therefor and authorized a specific sum to be so raised.

SEC. 2. The board of trustees of said district shall submit the question of the making of such loan to the electors mentioned in section one of this act, at any annual meeting of said district, or at a special meeting called for that purpose, and public notice thereof shall be given by said district board by causing copies of such notice to be posted up in at least three public places in said district not less than ten days before the time of such meeting, which notice shall state that the electors will be called upon at such meeting to vote upon the making of such loan, naming in such notice a specific sum to be raised; and the said district board is hereby authorized to call a special meeting of such electors, at any time in its discretion for the above named purpose, and by giving the notice aforesaid.

SEC. 3. At such annual meeting or at the special meeting provided for in section two, the president, secretary and treasurer of said school district shall constitute a board of inspection, and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open six hours after the time fixed for the meeting in the notices thereof. The vote shall be by ballot, either printed or written, or partly printed or partly written, and such ballots shall be in the following form, namely, "For the loan—Yes," and "For the loan—No," and shall be deposited in a separate ballot box provided for that purpose. At the closing of the polls the said inspectors shall canvass the vote cast upon said proposition and shall publicly declare the result and record the same in the school district records.

State of Michigan to fill the vacancy by appointment, and it shall also be his duty to appoint some suitable person to hold such office from and after the first of January, nineteen hundred eight, until his successor shall be elected and qualified, under the provisions hereof, and any person so appointed by the Governor to the office of county drain commissioner shall file his oath and bond in the same manner as hereinabove provided.

Approved May 22, 1907.

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[No. 563.]

AN ACT to annex certain territory within the township of Calumet, Houghton county, Michigan, to the village of Red Jacket.

*The People of the State of Michigan enact:*

SECTION 1. The following described land situate in section fourteen, township fifty-six north of range thirty-three west, and more particularly described by metes and bounds as follows: Commencing at a point six hundred sixty feet west of the quarter post in the north and south section line between sections thirteen and fourteen in township fifty-six north of range thirty-three west, thence west five hundred seventy-four feet along the south line of lots A, B, C and D in block E of the village of Red Jacket, thence south eighty feet, thence east five hundred seventy-four feet, thence north eighty feet to the point of beginning, is hereby annexed to the village of Red Jacket, a municipal corporation within the township of Calumet, county of Houghton, and State of Michigan.

Land  
annexed,  
description.

This act is ordered to take immediate effect.

Approved May 22, 1907.

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[No. 564.]

AN ACT to incorporate the public schools of the township of Wilson, in Alpena county.

*The People of the State of Michigan enact:*

SECTION 1. The territory embraced within the township of Wilson in the county of Alpena, is hereby declared to be a single school district, which shall be a body corporate by the

School  
district,  
territory  
to be.

name and style of "The public schools of the township of Wilson," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union schools by the general laws, and all schools in said district and all schools hereafter organized therein, in pursuance of this act, under the directions and regulations of the board of education, shall be public and free to all persons, actual residents within the limits thereof, above the age now or that may be hereafter fixed by law.

Officers,  
election and  
qualifications.

SEC. 2. The officers of said district shall consist of six trustees who shall constitute the board of education of said district, and whose term of office shall be three years each and until their successors are elected and qualified. Said trustees shall be elected by ballot on the second Monday of the month of July in each year, when a vacancy shall occur in any election district under this act. Each two adjoining school districts as now constituted and existing in said township shall, for the purpose of such election of members of the board of education, as now constituted, be one election district within which at such election, one member of the board of education shall be elected in the same manner, as near as may be, as school officers are required by law to be elected, and said members shall be actual residents and taxpayers of said election district wherein they are elected: *Provided*, That the first

Proviso.

election under this act shall be held on the second Tuesday in July in the year nineteen hundred seven, at which time there shall be six trustees elected; one trustee for each of the two adjoining districts of said township as they now exist, to be grouped for election purposes as follows: All territory now included in primary school districts known as numbers one and two, shall constitute and be known as election district number one; all territory now included in primary school districts known as numbers three and four shall constitute and be known as election district number two; all territory now included in primary school districts known as numbers five and six, with all unorganized territory adjacent thereto, shall be known and constitute election district number three; all territory now included in primary school districts known as numbers seven and eight shall be known and constitute election district number four; all territory now included in primary school districts known as numbers nine and ten shall be known and constitute election district number five; all territory now included in primary school districts known as numbers eleven and twelve shall be known and constitute election district number six. The term of office of said members so elected at said first election shall be as follows: Two trustees for one year; two trustees for two years; two trustees for three years, from the said second Monday in July, in the year nineteen hundred seven and until

Election  
districts,  
description of  
land  
constituting.

Term of  
office.

their successors are elected and qualified. Their term of office shall be determined for said first terms by lot as provided for justices of the peace in new townships by chapter nineteen of Howell's annotated statutes of Michigan, said trustees being designated on the ballots at such election "for members of the board of education:" And *Provided*, That the township board shall fix the place in each of said election districts where said election therein shall be held. The polls of said election in each of said election districts shall be opened at ten o'clock in the forenoon of the said second Monday in July and remain open until three o'clock in the afternoon of said day, and the electors present at the opening of the polls shall choose by viva voce from those present, three inspectors for such election, and at the close of the polls, said inspectors shall immediately thereafter publicly canvass the votes so cast for member of the board of education and announce the result of such election, and the person receiving the highest number of votes at such election shall be declared elected, and prepare and certify to a statement in writing of the number of votes cast for each candidate at such election, and certify the result thereof to and file the same with the township clerk of the township of Wilson.

*Proviso, relative to time and place of election, choosing of inspectors.*

SEC. 3. Within five days after such election the township clerk shall notify in writing the persons elected trustees under this bill of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution, before the township clerk or some other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same in the records of proceedings to be kept by said board of education, and the term of office of the trustees of said district shall commence on the third Monday of July following such election at which they were elected.

*Trustees, notification of election, oath of office, commencement of term.*

SEC. 4. The township clerk of said township of Wilson shall be ex-officio clerk of said board of education, and shall perform such duties as the board may require, but shall not be entitled to vote therein, and in case of the absence of said clerk, the board may by resolution choose some suitable person to perform such duties.

*Clerk of board of education, who to be.*

SEC. 5. The said trustees shall meet on the third Monday in July in each year at the township clerk's office and organize by electing from their number, a president and treasurer who shall severally hold their offices for one year from said third Monday in July and until their successors are elected and qualified, and may at any time fill by a new election, any vacancy that may occur in the office of trustee until the next annual election; each trustee so chosen shall, within ten days thereafter, file with the clerk of said board the oath of office as prescribed in section three of this act.

*Trustees, organization of.*

SEC. 6. The majority of the members of such board shall constitute a quorum and the regular meeting of such board

*Meetings, time of.*

Proviso.

shall be held on the third Monday of March, July and September in each year, and no notice of such meetings shall be required, and the president and clerk, or any two members of said board, shall be sufficient to adjourn any meeting from time to time until a quorum is present, and special meetings of said board may be called at any time on the request of the president, or two members of said board in writing, delivered to the clerk, and the clerk, upon receiving such request, shall at once notify in writing each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk: *Provided*, The members of said board shall draw no pay for more than six special meetings of not to exceed one day each, in any one year. All meetings of said board shall be held at the township clerk's office, unless otherwise directed by resolution of the board, and all the records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any legal voter of said district.

Property to belong to public schools.

SEC. 7. All the property, real and personal, within the limits of the township of Wilson heretofore belonging to the different primary school districts in said township of Wilson shall by force of this act, become the property of said public schools of said township of Wilson hereby organized; and all the credits of the several primary school districts at the passage of this bill, shall belong to said public schools of the township of Wilson hereby organized, and all the indebtedness of the several primary school districts at the time of the passage of this bill shall be assumed and paid by the public schools of the township of Wilson hereby organized.

Board of education, power relative to buildings, sites, etc.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase schoolhouse sites, erect buildings and furnish the same, with a majority vote of said district board, and shall have power to employ teachers, provide books for district library, to make by-laws, regulate the taking of the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law, so that the said district may be entitled to its proportion of the primary school funds, and said board shall have authority to make all needful regulations and by-laws relating to visitation of schools, relating to regulations of schools, and the books to be used therein: *Provided*, Their acts are not in conflict with any general law relative to text books, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of the thorough education of the children thereof; and it shall be the duty of such board to apply for and receive from the county treasurer or other officers holding the same, all moneys apportioned for primary schools and the district library of said district, and may adopt such by-laws and rules for their own procedure

Proviso.

as they may deem necessary: *Provided, further,* That the board of school inspectors of said Wilson township is hereby abolished, and said board of education shall be the board of school inspectors of said township, and shall have all the powers and duties of a board of school inspectors.

Further  
proviso.

SEC. 9. The board of education, at their regular meeting on the third Monday of July in each year, shall make an estimate of and determine the amount of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditure within the powers of said board, which estimate shall specify the amounts required for the different objects of expenditures, and such shall be entered in the records and proceedings of said board, and said funds shall be kept separate and shall be expended for the purpose for which they were raised and for no other purpose whatever, and no fund shall be overdrawn by said board. The clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary and certify the same to the supervisor of said township of Wilson, who shall spread the same upon the regular tax roll of said township and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided,* That for purchasing school lots and repairing and erecting schoolhouses, no greater sum than two mills on the dollar of all the taxable valuation of the real and personal property of said district shall be levied in any one year, nor shall said board raise more than three hundred dollars in any one year for salaries and expenses of officers.

Board of  
education, to  
estimate,  
money  
necessary.

Clerk, to  
report taxes  
necessary.

Proviso.

SEC. 10. The treasurer of the board shall have the keeping of all school and library money and shall not pay out the same without the authority of said board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall, before entering the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.

Treasurer,  
to have  
charge of  
moneys.

SEC. 11. The said board shall annually and on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the records of said board and shall be publicly read by the president, or in his absence, by the clerk thereof, to the electors of the township of Wilson, at their annual township meeting, on the first Monday of April thereafter, between the hours of twelve o'clock noon and three o'clock in the afternoon, and the electors of said township may immediately after such annual report is read, determine viva voce vote

Board of  
education to  
report school  
statistics.

the length of time the schools of said township shall be taught during the ensuing year, which time shall not exceed nine months nor be less than seven months in any one year.

Township  
treasurer to  
pay school  
money to  
treasurer  
of board.

SEC. 12. The treasurer of the township of Wilson shall, at any time at the written request of said board of education, report to the said clerk the amount of school money in his hands and shall, on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which shall be filed with the clerk of said board.

Taxes, for  
school  
purposes,  
separate.

SEC. 13. All taxes assessed within said township of Wilson for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes.

Trustees and  
clerk,  
compensation  
of.

SEC. 14. The compensation of the trustees and clerk of the board shall be one dollar and fifty cents for each day's actual service rendered for said district, to be audited by the said board of education at its regular meeting.

Township  
district,  
division of.

SEC. 15. When the township district hereby incorporated shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school districts of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the assessment roll of such township: *Provided*, That whenever any surveyed township in the present organized township of Wilson is set apart and organized as a separate township, the schools in such new township shall be governed by and conducted in accordance with the general laws of the State, relative to public instruction and primary schools.

Proviso.

School laws,  
general  
application of.

SEC. 16. The general school laws shall apply in all cases not covered by the provisions of this act.

This act is ordered to take immediate effect.

Approved May 28, 1907.



[No. 565.]

AN ACT to authorize school district number ten fractional, of the townships of Grosse Pointe and Gratiot, county of Wayne and State of Michigan, to borrow money and issue bonds therefor in the sum of twenty-five thousand dollars to be used to purchase a site and build additions to present school building and for furnishing and equipping the same.

*The People of the State of Michigan enact:*

SECTION 1. School district number ten fractional of the townships of Grosse Pointe and Gratiot, county of Wayne and State of Michigan, is hereby authorized and empowered to borrow on the faith and credit of said school district a sum of money not to exceed twenty-five thousand dollars, for a term not exceeding thirty years from the date of issue, at a rate of interest not exceeding five per cent. per annum payable semi-annually, at such place or places as the board of trustees of said school district may determine, and to issue the bonds of said district therefor, in such denominations as the board of trustees may by a majority vote of all the members elect thereof determine. Said bonds shall be numbered serially, and shall be so drawn that bonds representing five hundred dollars of said principal sum shall mature and become payable each year of the first ten years after their issuance, and bonds representing one thousand dollars of said principal sum shall in like manner mature and become payable each year thereafter until the final extinction of said principal sum. Said bonds shall be paid as they so mature: *Provided, however,* That no such bonds shall be sold for less than par value: *And Provided further,* That no bonds shall be issued or moneys borrowed for the purpose of purchasing site and building additions to the present school building, and for furnishing and equipping the same, until the question of borrowing such sum of money and issuing of said bonds therefor shall be first submitted to a vote of the electors of said school district qualified under the laws of the State of Michigan to vote on questions which directly involve the raising of money by tax for said school district, present at any annual or special meeting appointed and called by the board of trustees of said school district for the purpose of voting thereon, and unless the borrowing of such sum of money and the issue of said bonds therefor shall be authorized by the affirmative vote of a majority of such qualified electors voting upon said proposition at such meeting.

Borrow money, authorized to, term, interest.

Bonds, denomination, time of maturity.

Proviso. Further proviso.

SEC. 2. The board of trustees of said district shall submit the question of making such loan and issuing said bonds to the electors mentioned in section one of this act, at any annual meeting of said district, or at any special meeting called

Electors, submission of question to.

the city council of said city the license referred to in section two of this act.

License,  
application  
for.

SEC. 4. Every person desiring to engage in or continue in the business of selling or keeping for sale any spirituous liquors or malt, brewed, fermented or vinous liquors within the said city of Saint Johns shall make application in writing to the city council of said city for said license for such purpose, which application shall state the street number or otherwise describe the location of the place where such business is to be carried on. Such application shall also contain an agreement on the part of the applicant that he will accept a license if granted him upon the express condition that it may be revoked at the will of the city council. Any such applicant shall, before receiving said license, pay to the city clerk of said city as a license fee such sum as may be fixed and determined by the said city council by ordinance or resolution, not exceeding five hundred dollars. Such license, if issued, shall state the number or location of the place of business as described in the application and shall not be transferred to any other location in said city without the consent of the city council, and no license issued as aforesaid shall be for a period beyond the first day of May next after such license is issued. Such license shall also contain the express stipulation and condition that it may be revoked at the will of the city council. In case such license is revoked the unearned portion of the city license fee shall be refunded: *Provided*, That the provisions of this section shall not apply to druggists who are engaged in the sale of spirituous and intoxicating liquors in strict compliance with the laws of this State.

Proviso.

Bond,  
may require.

SEC. 5. The city council may require every applicant for a license under the provisions of this act to furnish a bond in such sum, not exceeding three thousand dollars, and with such sureties as may be prescribed by the city council, such bonds to be conditioned for the faithful observance of and compliance with all lawful rules, regulations, restrictions, ordinances and resolutions made, enacted or prescribed by the city council concerning the conducting of said business.

Saloons, etc.,  
authority to  
limit number.

SEC. 6. The said city council is hereby authorized and empowered to restrict and limit the number of saloons or other places, except drug stores, where spirituous or intoxicating liquors or malt, brewed, fermented or vinous liquors are sold or kept for sale in said city and is hereby prohibited from issuing licenses, except as hereinafter provided, for the sale within said city, of any such intoxicating liquors in a number, in excess of one saloon or place where such liquors are sold or kept for sale, except drug stores, to each five hundred inhabitants of said city or major fraction thereof as shown by the last State or Federal census: *Provided*, That the total number of licenses issued during any one year shall not exceed nine: *Provided further*, That from and after the time this act shall take effect no license shall be granted by the

Proviso.

Further  
proviso.

city council of said city to any person or persons, except druggists, lawfully engaged in said business of selling or keeping for sale spirituous or intoxicating liquors, or malt, brewed, fermented or vinous liquors in said city on the thirtieth day of April, nineteen hundred eight, and on the thirtieth day of April, every year thereafter until such time as the number of saloons or other places, except drug stores, where such liquors are sold or kept for sale, in said city, shall be less than one for each five hundred inhabitants of said city as shown by the then last State or Federal census.

SEC. 7. No license granted under authority of this act shall be transferable. Any license may be revoked by the city council for or on account of the violation or non-observance of such rule, regulation, restriction, ordinance or resolution as may be prescribed or enacted by the city council, concerning the manner of conducting the business of selling or keeping for sale any such intoxicating or spirituous liquors, malt, brewed, fermented or vinous liquors within said city: *Provided*, That the owner of any such license shall be given a hearing before the city council before such license may be revoked.

License not transferable.

Proviso.

SEC. 8. Said city council may adopt rules, regulations and ordinances prohibiting noise, riot, or disturbance, or games of dice or games of chance, and prohibit the use of any slot machine or device for gambling within or upon the premises or building in which any applicant shall be granted a license to conduct such business as is referred to in this act. The said city council may also prohibit any music or entertainment adjacent to or within or upon the premises or building in which any applicant is granted permission to carry on the business referred to in this act, for the purpose of attracting persons to such place of business, and may prescribe penalties for the sale of any such liquors as are referred to in this act to minors or to any adult person who is at the time intoxicated, or to any person who is in the habit of becoming intoxicated, or to an habitual drunkard. Said city council is also given authority to prescribe and adopt any and all such other rules, regulations and ordinances as may be consistent with the provisions of this act.

Conduct, games, etc., regulation in saloons, etc.

Music, etc.

SEC. 9. Any person to whom a license shall be granted by the city council, under authority of this act, and who shall violate any of the provisions of this act, or any rule, regulation or ordinance prescribed or adopted by the city council relative to the business of selling or keeping for sale any such liquors as are herein referred to, shall upon conviction thereof, in addition to having his license revoked by the city council, be fined not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not more than ninety days, or both such fine and imprisonment in the discretion of the court.

Violation, punishment for.

This act is ordered to take immediate effect.

Approved May 22, 1907.

## [No. 561.]

AN ACT to abolish the board of public works of the city of Crystal Falls, in the county of Iron.

*The People of the State of Michigan enact:*

Abolishing  
board of  
public  
works.

SECTION 1. The board of public works of the city of Crystal Falls, in the county of Iron, is hereby abolished, and all powers and duties now vested in said board of public works shall, from the time when this act shall take effect, be vested in, and exercised by, the council of said city.

This act is ordered to take immediate effect.

Approved May 22, 1907.

## [No. 562.]

AN ACT to provide for the election of a county drain commissioner in and for Cass county.

*The People of the State of Michigan enact:*

County drain  
commissioner,  
electors to  
choose.

SECTION 1. At the regular, biennial election to be held on the Tuesday succeeding the first Monday in November, nineteen hundred eight, and each two years thereafter, there shall be chosen in and for the county of Cass, by the qualified electors thereof, on the same ticket as the other county officers, a county drain commissioner, whose term of office shall begin on the first day of January following his election and continue for two years thereafter, and such commissioner so elected shall be vested with all the powers, duties, functions and obligations now vested in the county drain commissioner under the general statutes and laws of the State.

Oath of office,  
bond,  
approval.

SEC. 2. Before entering on the duties of his office, such county drain commissioner so elected shall take and file in the office of the county clerk, the constitutional oath of office, and shall also file with such clerk a bond in the penal sum of five thousand dollars, with at least one sufficient surety, which bond, before filing, shall have been approved by the board of supervisors of said county.

County clerk,  
to report  
election.

SEC. 3. It shall be the duty of the county clerk to make report to the Secretary of State of the election and qualification of such county drain commissioner, as a part of his report of the election and qualification of the county officers of Cass county.

Vacancy,  
filling of.

SEC. 4. In case of a vacancy in the office of county drain commissioner, it shall be the duty of the Governor of the

State of Michigan to fill the vacancy by appointment, and it shall also be his duty to appoint some suitable person to hold such office from and after the first of January, nineteen hundred eight, until his successor shall be elected and qualified, under the provisions hereof, and any person so appointed by the Governor to the office of county drain commissioner shall file his oath and bond in the same manner as hereinabove provided.

Approved May 22, 1907.

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[No. 563.]

AN ACT to annex certain territory within the township of Calumet, Houghton county, Michigan, to the village of Red Jacket.

*The People of the State of Michigan enact:*

SECTION 1. The following described land situate in section fourteen, township fifty-six north of range thirty-three west, and more particularly described by metes and bounds as follows: Commencing at a point six hundred sixty feet west of the quarter post in the north and south section line between sections thirteen and fourteen in township fifty-six north of range thirty-three west, thence west five hundred seventy-four feet along the south line of lots A, B, C and D in block E of the village of Red Jacket, thence south eighty feet, thence east five hundred seventy-four feet, thence north eighty feet to the point of beginning, is hereby annexed to the village of Red Jacket, a municipal corporation within the township of Calumet, county of Houghton, and State of Michigan.

Land  
annexed.  
description.

This act is ordered to take immediate effect.

Approved May 22, 1907.

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[No. 564.]

AN ACT to incorporate the public schools of the township of Wilson, in Alpena county.

*The People of the State of Michigan enact:*

SECTION 1. The territory embraced within the township of Wilson in the county of Alpena, is hereby declared to be a single school district, which shall be a body corporate by the

School  
district,  
territory  
to be.

name and style of "The public schools of the township of Wilson," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union schools by the general laws, and all schools in said district and all schools hereafter organized therein, in pursuance of this act, under the directions and regulations of the board of education, shall be public and free to all persons, actual residents within the limits thereof, above the age now or that may be hereafter fixed by law.

Officers,  
election and  
qualifications.

SEC. 2. The officers of said district shall consist of six trustees who shall constitute the board of education of said district, and whose term of office shall be three years each and until their successors are elected and qualified. Said trustees shall be elected by ballot on the second Monday of the month of July in each year, when a vacancy shall occur in any election district under this act. Each two adjoining school districts as now constituted and existing in said township shall, for the purpose of such election of members of the board of education, as now constituted, be one election district within which at such election, one member of the board of education shall be elected in the same manner, as near as may be, as school officers are required by law to be elected, and said members shall be actual residents and taxpayers of said election district wherein they are elected: *Provided*, That the first

Proviso.

election under this act shall be held on the second Tuesday in July in the year nineteen hundred seven, at which time there shall be six trustees elected; one trustee for each of the two adjoining districts of said township as they now exist, to be grouped for election purposes as follows: All territory now included in primary school districts known as numbers one and two, shall constitute and be known as election district number one; all territory now included in primary school districts known as numbers three and four shall constitute and be known as election district number two; all territory now included in primary school districts known as numbers five and six, with all unorganized territory adjacent thereto, shall be known and constitute election district number three; all territory now included in primary school districts known as numbers seven and eight shall be known and constitute election district number four; all territory now included in primary school districts known as numbers nine and ten shall be known and constitute election district number five; all territory now included in primary school districts known as numbers eleven and twelve shall be known and constitute election district number six. The term of office of said members so elected at said first election shall be as follows: Two trustees for one year; two trustees for two years; two trustees for three years, from the said second Monday in July, in the year nineteen hundred seven and until

Election  
districts,  
description of  
land  
constituting.

Term of  
office.

their successors are elected and qualified. Their term of office shall be determined for said first terms by lot as provided for justices of the peace in new townships by chapter nineteen of Howell's annotated statutes of Michigan, said trustees being designated on the ballots at such election "for members of the board of education:" And *Provided*, That the township board shall fix the place in each of said election districts where said election therein shall be held. The polls of said election in each of said election districts shall be opened at ten o'clock in the forenoon of the said second Monday in July and remain open until three o'clock in the afternoon of said day, and the electors present at the opening of the polls shall choose by viva voce from those present, three inspectors for such election, and at the close of the polls, said inspectors shall immediately thereafter publicly canvass the votes so cast for member of the board of education and announce the result of such election, and the person receiving the highest number of votes at such election shall be declared elected, and prepare and certify to a statement in writing of the number of votes cast for each candidate at such election, and certify the result thereof to and file the same with the township clerk of the township of Wilson.

*Provido,*  
relative to  
time and  
place of  
election,  
choosing of  
inspectors.

SEC. 3. Within five days after such election the township clerk shall notify in writing the persons elected trustees under this bill of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution, before the township clerk or some other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same in the records of proceedings to be kept by said board of education, and the term of office of the trustees of said district shall commence on the third Monday of July following such election at which they were elected.

*Trustees,*  
notification  
of election,  
oath of office,  
commence-  
ment of term.

SEC. 4. The township clerk of said township of Wilson shall be ex-officio clerk of said board of education, and shall perform such duties as the board may require, but shall not be entitled to vote therein, and in case of the absence of said clerk, the board may by resolution choose some suitable person to perform such duties.

*Clerk of*  
board of  
education,  
who to be.

SEC. 5. The said trustees shall meet on the third Monday in July in each year at the township clerk's office and organize by electing from their number, a president and treasurer who shall severally hold their offices for one year from said third Monday in July and until their successors are elected and qualified, and may at any time fill by a new election, any vacancy that may occur in the office of trustee until the next annual election; each trustee so chosen shall, within ten days thereafter, file with the clerk of said board the oath of office as prescribed in section three of this act.

*Trustees,*  
organization  
of.

SEC. 6. The majority of the members of such board shall constitute a quorum and the regular meeting of such board

*Meetings,*  
time of.

Proviso.

shall be held on the third Monday of March, July and September in each year, and no notice of such meetings shall be required, and the president and clerk, or any two members of said board, shall be sufficient to adjourn any meeting from time to time until a quorum is present, and special meetings of said board may be called at any time on the request of the president, or two members of said board in writing, delivered to the clerk, and the clerk, upon receiving such request, shall at once notify in writing each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk: *Provided*, The members of said board shall draw no pay for more than six special meetings of not to exceed one day each, in any one year. All meetings of said board shall be held at the township clerk's office, unless otherwise directed by resolution of the board, and all the records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any legal voter of said district.

Property to belong to public schools.

SEC. 7. All the property, real and personal, within the limits of the township of Wilson heretofore belonging to the different primary school districts in said township of Wilson shall by force of this act, become the property of said public schools of said township of Wilson hereby organized; and all the credits of the several primary school districts at the passage of this bill, shall belong to said public schools of the township of Wilson hereby organized, and all the indebtedness of the several primary school districts at the time of the passage of this bill shall be assumed and paid by the public schools of the township of Wilson hereby organized.

Board of education, power relative to buildings, sites, etc.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase schoolhouse sites, erect buildings and furnish the same, with a majority vote of said district board, and shall have power to employ teachers, provide books for district library, to make by-laws, regulate the taking of the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law, so that the said district may be entitled to its proportion of the primary school funds, and said board shall have authority to make all needful regulations and by-laws relating to visitation of schools, relating to regulations of schools, and the books to be used therein: *Provided*, Their acts are not in conflict with any general law relative to text books, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of the thorough education of the children thereof; and it shall be the duty of such board to apply for and receive from the county treasurer or other officers holding the same, all moneys apportioned for primary schools and the district library of said district, and may adopt such by-laws and rules for their own procedure

Proviso.



as they may deem necessary: *Provided, further,* That the board of school inspectors of said Wilson township is hereby abolished, and said board of education shall be the board of school inspectors of said township, and shall have all the powers and duties of a board of school inspectors.

Further  
proviso.

SEC. 9. The board of education, at their regular meeting on the third Monday of July in each year, shall make an estimate of and determine the amount of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditure within the powers of said board, which estimate shall specify the amounts required for the different objects of expenditures, and such shall be entered in the records and proceedings of said board, and said funds shall be kept separate and shall be expended for the purpose for which they were raised and for no other purpose whatever, and no fund shall be overdrawn by said board. The clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary and certify the same to the supervisor of said township of Wilson, who shall spread the same upon the regular tax roll of said township and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided,* That for purchasing school lots and repairing and erecting schoolhouses, no greater sum than two mills on the dollar of all the taxable valuation of the real and personal property of said district shall be levied in any one year, nor shall said board raise more than three hundred dollars in any one year for salaries and expenses of officers.

Board of  
education, to  
estimate,  
money  
necessary.

Clerk, to  
report taxes  
necessary.

Proviso.

SEC. 10. The treasurer of the board shall have the keeping of all school and library money and shall not pay out the same without the authority of said board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall, before entering the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.

Treasurer,  
to have  
charge of  
moneys.

SEC. 11. The said board shall annually and on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the records of said board and shall be publicly read by the president, or in his absence, by the clerk thereof, to the electors of the township of Wilson, at their annual township meeting, on the first Monday of April thereafter, between the hours of twelve o'clock noon and three o'clock in the afternoon, and the electors of said township may immediately after such annual report is read, determine viva voce vote

Board of  
education to  
report school  
statistics.

the length of time the schools of said township shall be taught during the ensuing year, which time shall not exceed nine months nor be less than seven months in any one year.

Township  
treasurer to  
pay school  
money to  
treasurer  
of board.

SEC. 12. The treasurer of the township of Wilson shall, at any time at the written request of said board of education, report to the said clerk the amount of school money in his hands and shall, on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which shall be filed with the clerk of said board.

Taxes, for  
school  
purposes,  
separate.

SEC. 13. All taxes assessed within said township of Wilson for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes.

Trustees and  
clerk,  
compensation  
of.

SEC. 14. The compensation of the trustees and clerk of the board shall be one dollar and fifty cents for each day's actual service rendered for said district, to be audited by the said board of education at its regular meeting.

Township  
district,  
division of.

SEC. 15. When the township district hereby incorporated shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school districts of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the assessment roll of such township: *Provided*, That whenever any surveyed township in the present organized township of Wilson is set apart and organized as a separate township, the schools in such new township shall be governed by and conducted in accordance with the general laws of the State, relative to public instruction and primary schools.

Proviso.

School laws,  
general  
application of.

SEC. 16. The general school laws shall apply in all cases not covered by the provisions of this act.

This act is ordered to take immediate effect.

Approved May 28, 1907.

[No. 565.]

AN ACT to authorize school district number ten fractional, of the townships of Grosse Pointe and Gratiot, county of Wayne and State of Michigan, to borrow money and issue bonds therefor in the sum of twenty-five thousand dollars to be used to purchase a site and build additions to present school building and for furnishing and equipping the same.

*The People of the State of Michigan enact:*

SECTION 1. School district number ten fractional of the townships of Grosse Pointe and Gratiot, county of Wayne and State of Michigan, is hereby authorized and empowered to borrow on the faith and credit of said school district a sum of money not to exceed twenty-five thousand dollars, for a term not exceeding thirty years from the date of issue, at a rate of interest not exceeding five per cent. per annum payable semi-annually, at such place or places as the board of trustees of said school district may determine, and to issue the bonds of said district therefor, in such denominations as the board of trustees may by a majority vote of all the members elect thereof determine. Said bonds shall be numbered serially, and shall be so drawn that bonds representing five hundred dollars of said principal sum shall mature and become payable each year of the first ten years after their issuance, and bonds representing one thousand dollars of said principal sum shall in like manner mature and become payable each year thereafter until the final extinction of said principal sum. Said bonds shall be paid as they so mature: *Provided, however*, That no such bonds shall be sold for less than par value: *And Provided further*, That no bonds shall be issued or moneys borrowed for the purpose of purchasing site and building additions to the present school building, and for furnishing and equipping the same, until the question of borrowing such sum of money and issuing of said bonds therefor shall be first submitted to a vote of the electors of said school district qualified under the laws of the State of Michigan to vote on questions which directly involve the raising of money by tax for said school district, present at any annual or special meeting appointed and called by the board of trustees of said school district for the purpose of voting thereon, and unless the borrowing of such sum of money and the issue of said bonds therefor shall be authorized by the affirmative vote of a majority of such qualified electors voting upon said proposition at such meeting.

Borrow money, authorized to, term, interest.

Bonds, denomination, time of maturity.

Proviso. Further proviso.

SEC. 2. The board of trustees of said district shall submit the question of making such loan and issuing said bonds to the electors mentioned in section one of this act, at any annual meeting of said district, or at any special meeting called

Electors, submission of question to.

by said board for the purpose of voting on such proposition, and public notice of such meeting which shall contain a statement of the time, place and object thereof, shall be given by said board of trustees, by causing copies of such notice to be posted in at least five public places, in said district, not less than six days before the time of such meeting.

Board of  
inspectors,  
who to consti-  
tute, duties.

SEC. 3. At such annual meeting, or at the special meeting provided for in section two of this act, at which the proposition of issuing said bonds may be submitted to the electors of said district, the moderator, director and treasurer, formerly called assessor, of said school district, shall constitute a board of inspectors, and shall cause a poll list to be kept and suitable poll books to be used, and the polls shall be kept open for two hours after the time fixed for the meeting, in the notices thereof. The vote upon such proposition shall be by ballot, either printed or written or partly printed and partly written, and the proposition each time a vote is taken stating the sum to be borrowed shall be stated upon such ballots in the following form: "For borrowing the sum of..... dollars and issuing the bonds of school district number ten fractional, of the townships of Grosse Pointe and Gratiot, Wayne county, Michigan, therefor, at not to exceed five per cent. interest per annum, payable semi-annually, and for not to exceed thirty years, to be used to purchase site and build additions to present school building, and for furnishing and equipping the same—Yes," and "For borrowing the sum of .....dollars and issuing the bonds of school district number ten fractional, of the townships of Grosse Pointe and Gratiot, Wayne county, Michigan, therefor, at not to exceed five per cent. interest per annum, payable semi-annually, and for not to exceed thirty years, to be used to purchase site and build additions to present school building and for furnishing and equipping the same—No," and the ballots shall be deposited in a separate ballot box provided for the purpose. At the closing of the polls the inspectors shall canvass the ballots and publicly declare the result thereof, and record the same in the school district records.

Ballot, form  
of.

Board of  
trustees,  
duties of.

SEC. 4. If, at such meeting, a majority of such qualified electors present thereat and voting upon such proposition shall vote in favor of such loan and issuing said bonds therefor, the board of trustees of said district shall thereupon be authorized to borrow not to exceed the sum of twenty-five thousand dollars and to issue the bonds of said district therefor, which bonds shall be executed in such proper form and by such officers of the board as the board of trustees of said district shall direct, and the said bonds may be disposed of from time to time in such quantities as such board of trustees may deem necessary.

Money,  
expenditure  
of.

SEC. 5. The borrowed money under the provisions of this act shall be applied as follows; viz., to purchase site and build additions to the present school building and for furnishing and equipping the same.

SEC. 6. It shall be the duty of said board of trustees of school district number ten fractional, of the townships of Grosse Pointe and Gratiot, to provide by tax upon all the taxable property in said school district, or from any fund it may have on hand and not otherwise appropriated, for the payment of said principal sum of twenty-five thousand dollars, of which five hundred dollars shall be paid each year for the first ten years after the issuance of said bonds, and one thousand dollars annually thereafter until the said principal sum shall be fully paid; and for the payment of the interest upon all bonds issued under this act and outstanding. And the board of trustees of said school district is hereby authorized and directed to raise by tax in each year, in addition to all other school taxes, a sum sufficient to provide for the payment of the principal of said bonds and the interest thereon, as herein provided.

Board of trustees to provide for payment of money borrowed, interest, etc.

SEC. 7. It is the intent and purpose of this act to make and empower the said school district number ten fractional, of the townships of Grosse Pointe and Gratiot, to raise and realize the sum of twenty-five thousand dollars, over and above and in addition to all sums which said district may borrow and become indebted for under the general statutes of the State, relative to the indebtedness of school districts, and this act shall not be construed to limit or impair the power and authority which said school district may have under the said general statutes of the State to borrow money and become indebted therefor, and all sections of the general school law of this State inconsistent with the provisions of this act are and the same shall be inoperative as to said district, but all sections of the general school law of this State not inconsistent with the provisions of this act, are and the same shall be and remain in full force in said district.

Act not to limit power to borrow money.

This act is ordered to take immediate effect.

Approved May 28, 1907.

[No. 566.]

AN ACT to establish two polling places in the township of Port Austin, in the county of Huron.

*The People of the State of Michigan enact:*

SECTION 1. There shall be two polling places in the township of Port Austin, in the county of Huron, one of which shall be at the village of Port Austin, and the other at the village of Grindstone City.

Polling places, number of.

SEC. 2. The electors living west of the north and south line between sections twenty-seven and thirty-four, and sec-

Electors, where to vote.

tions twenty-three, twenty-six and thirty-five, being in township nineteen north of range thirteen east, in said township, shall constitute the electors in precinct number one, and shall cast their votes at the polling place to be established by the township board of said township at the village of Port Austin, in said township, and the electors living east of said line shall constitute the electors in precinct number two, and shall cast their votes at the polling place to be established by the township board of said township at the village of Grindstone City in said township.

Township  
officers,  
duties of.

SEC. 3. The township board shall provide books for registration to be used in the two precincts, and the township clerk and two justices of the peace resident in precinct number one shall constitute the board of registration for the first registration under this act in precinct number one, and the supervisor and two justices of the peace resident in precinct number two shall constitute the board of registration for the first registration under this act in precinct number two. The inspectors of election for precinct number one shall be the township clerk and two justices of the peace resident in precinct number one, and the inspectors of election for precinct number two shall be the supervisor and two justices of the peace, resident in said precinct with such other persons as may be chosen by the electors at the opening of the polls therein.

Inspectors,  
who to be.

Other  
proceedings.

SEC. 4. All other proceedings relative to registration and elections and the canvass of votes in said township of Port Austin shall be conducted in accordance with the general laws of the State now in force relative to the conduct, canvass and returns of election.

Repealing  
clause.

SEC. 5. All acts and parts of acts contravening any of the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 28, 1907.

— — — — —  
[No. 567.]

AN ACT to incorporate the village of Mikado, in the county of Alcona, Michigan.

*The People of the State of Michigan enact:*

Territory  
incorporated.

SECTION 1. The west half of section one and the east half of section two, in the township of Mikado, Alcona county, Michigan, being township twenty-five north, range eight east, is hereby incorporated as the village of Mikado.

Election  
boards, who to  
constitute,  
time and  
place of  
meeting.

SEC. 2. Albert Broadwood, W. H. Case and Frank Banks are hereby constituted a board of registration, a board of election inspectors and election commissioners for the first election to be held in said village, and the said board of regis-

tration is hereby required to meet at the K. O. T. M. hall in said village, on the Saturday next preceding said election, and remain in session from nine o'clock in the forenoon until five o'clock in the afternoon, and register all persons presenting themselves for registration, having the qualifications of voters at annual township meetings, and residing within said village.

SEC. 3. The first election of officers of said village of Mikado shall be held on the second Monday of June, nineteen hundred seven, at the said K. O. T. M. hall in said village, and at such election the polls shall be opened at nine o'clock in the forenoon and shall be closed at five o'clock in the afternoon.

Village officers, election of, time and place.

SEC. 4. Said board of registration and the said board of election inspectors and election commissioners shall give public notice of the time and place of meeting of said board of registration and of the time and place of holding said election at least one week immediately preceding the same, by posting notices of the same, signed by said persons, in three public places in said village.

Election boards, duties of.

SEC. 5. The said village of Mikado shall, in all things not herein otherwise provided, be governed by an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February twenty, eighteen hundred ninety-five.

Village, what act to govern.

SEC. 6. In case the officers of said village are not elected at the time designated in section three of this act, an election for officers may be held within thirty days after the time so designated, by giving the notices as provided in this act.

Special election, provisions for.

This act is ordered to take immediate effect.

Approved May 28, 1907.

[No. 568.]

AN ACT to incorporate the city of Zeeland.

*The People of the State of Michigan enact:*

## CHAPTER I.

### INCORPORATION AND BOUNDARIES.

SECTION 1. So much of the townships of Zeeland and Holland in the county of Ottawa, as is embraced in the following description, to wit: The south three-quarters of the west three-quarters of the south half and north one-quarter of west one-half of the southwest quarter of section eighteen, and the west three-quarters of the north half of section nineteen, all of town five north, range fourteen west; and the south three-quarters of the east half of the southeast quarter of section

Boundaries of city.

thirteen and the north three-quarters of the east half of the northeast quarter in section twenty-four, all of town five north, range fifteen west, is hereby set off from said townships of Zeeland and Holland and declared to be a city by the name of the city of Zeeland, by which name it shall hereafter be known.

Corporate powers.

SEC. 2. The city described in the preceding section, and the inhabitants thereof, from time to time, shall be and are hereby made a body politic and corporate, under and by the said name of the city of Zeeland, and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which they are incorporated, have a common seal and change the same at pleasure, and exercise all the powers in this act conferred.

Wards.

SEC. 3. The said city shall be and is hereby divided into two wards:

First.

First, The first ward shall embrace and include all that portion of the said city lying east of the town line between the townships of Zeeland and Holland in Ottawa county;

Second.

Second, The second ward shall embrace and include all that portion of the said city lying west of said town line.

Assessment district.

SEC. 4. The said city shall constitute one supervisor and assessment district.

## CHAPTER II.

### CHANGES OF BOUNDARIES.

Council to petition supervisors.

SECTION 1. Whenever the council of the city of Zeeland shall determine, by resolution, to alter the boundaries of the city, either by taking in lands and premises adjoining thereto or by taking out any lands and premises included in the city, or both, they shall petition the board of supervisors of the county of Ottawa to make such change. Such petition shall contain a description by metes and bounds of the lands and premises proposed to be added to or taken out of the city and be accompanied by a map of said lands, and set forth the reasons for the proposed change, and shall contain a copy of the resolution of the council in relation thereto, and shall be certified to by the clerk under the official seal of the city.

What to contain.

Notice given before presentation.

Before such petition shall be presented to the board of supervisors, notice shall be given by the city clerk of the time and place when the same will be presented for consideration, by publishing the same in one or more newspapers published in the city for at least three weeks immediately preceding the presentation of the same. Such notice shall also contain a description of the premises proposed to be taken in or out of the boundaries of the city. At the time of presenting such petition all parties interested may appear before such board of supervisors and be heard touching the proposed boundaries of the city, and after such hearing and due consideration of such petition, it shall be the duty of the board of supervisors to order and determine as to whether the prayer contained in

Hearing given.



the petition or any part thereof shall be granted, and they shall make an order of such determination, which order shall be entered upon their records, and thereupon, if a change of boundaries shall be ordered, then such boundaries of the city shall be fixed and shall exist as provided in such order, and a certified copy thereof shall be transmitted to the clerk of the city and to the Secretary of State, and such order shall be prima facie evidence of such change of boundaries of the city and of the regularity of such proceedings in all courts and places.

Order of determination.

Certified copy, where transmitted.

SEC. 2. Whenever the city of Zeeland shall have its boundaries changed by the addition of any territory thereto, or by the taking of any territory therefrom, the rights and interests of the city or of the township or townships from which such territory shall be taken or to which it shall be annexed, as well as the rights of the persons affected by reason of such change of boundary, shall be settled and adjusted in accordance with the general laws of this State in such cases made and provided.

Rights and interests, adjustment of.

### CHAPTER III.

#### ELECTORS AND REGISTRATION.

SECTION 1. The inhabitants of the city of Zeeland having the qualifications of electors under the constitution of the State, and no other, shall be electors therein and every elector shall vote in the ward or election district where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward or election district in which is located his regular place of lodging.

Electors, qualifications of.

Residence, defined.

SEC. 2. The city council shall choose, each year, three resident electors from each of the two wards, who shall constitute the board of registration therein. Each ward shall be an election district by itself. On the Saturday next preceding the general election and the Saturday next preceding the day of the regular city election or any special election, and on such other days as may be appointed by the council the board shall be in session from nine o'clock in the morning until eight o'clock in the afternoon for the purpose of completing the lists of the qualified voters, during which session it shall be the right of each and every person then actually residing in the ward and who, at the then next approaching election may be a qualified elector and whose name is not already registered, to have his name entered in the register.

Registration, board of.

Election districts.

SEC. 3. Notice of the time and place of holding such meeting shall be given with the notice of said election. In making and completing any such registration, the board shall proceed in the same manner and conform with the same rules, as near as may be as are provided by law for registering elec-

Notice given.

Compensation. tors in townships. The members of the board of registration shall each receive three dollars per day as compensation.

## CHAPTER IV.

### OFFICERS.

Elective  
officers.

SECTION 1. There shall be elected in said city a mayor, six aldermen, city clerk, city treasurer, two justices of the peace, one supervisor and four constables.

Appointive  
officers.

SEC. 2. The following officers shall be appointed by the council, viz.: City attorney, surveyor, street commissioner, chief of fire department, health officer and city marshal. The council may also, from time to time, provide by ordinance for the appointment of, and appoint for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the power granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

Powers and  
duties.

Appointments,  
when made.

SEC. 3. All appointments to office by the council, except appointments to fill vacancies, and unless otherwise provided in this act, shall be made on the first Monday of May in each year; but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting of the council.

Term of  
mayor, etc.

SEC. 4. The mayor, city treasurer, supervisor and constables shall hold their offices for the term of one year from the second Monday in April of the year when elected and until their respective successors are qualified and enter upon the duty of their offices. The aldermen and city clerk shall hold their offices for the term of two years from the second Monday in April of the year when elected and until their respective successors are qualified and enter upon the duties of their offices.

Aldermen  
and city clerk.

Constables  
and justices;  
terms.

SEC. 5. At the first election held in the city of Zeeland four constables shall be elected to hold office until the second Monday in April next after such first election and at such first election two justices of the peace shall be elected, one for the term of two years and one for the term of four years from the fourth day of July next thereafter, and the term for which each is elected shall be designated upon the ballots cast for them, and biennially thereafter one justice of the peace shall be elected for the term of four years.

Appointive  
officers,  
term of.

SEC. 6. All officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday of May next after such appointment and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act or in the ordinance creating the office.

SEC. 7. An alderman or clerk appointed by the council to fill a vacancy shall hold the office only until the next annual city election; in all other cases any officer appointed to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred.

Term of  
aldermen, etc.,  
appointed to  
fill vacancy.

SEC. 8. Justices of the peace elected for the full term of four years shall enter upon the duties of their offices on the fourth day of July next after the election. In all other cases officers shall enter upon the duties of their offices immediately upon taking the oath of office and giving the security, if any, required for the performance of the duty of the office.

Justices, etc.,  
term of,  
when to  
begin.

SEC. 9. No person shall be elected or appointed to any office unless he be an elector of the city and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board or officers thereof or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of any such defaulter shall be void.

Eligibility to  
office.

SEC. 10. Justices of the peace elected in the said city shall take and file an oath of office with the county clerk of the county of Ottawa within the same time and same manner as in case of justices of the peace elected in the townships. All other officers elected or appointed in the city shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and filed with the city clerk.

Oath of office  
of justices.

Other officers.

SEC. 11. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk of Ottawa county, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships, except that said official bond or security may be executed in the presence of, and be approved by the mayor; and in case he shall enter upon the execution of his office before having filed his official oath and bond of security, and such other bond of security to the city as may be required by law, or by an ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships; and every other officer elected or appointed in the city, before entering upon the duty of his office and within the time prescribed for filing his official oath, shall file with the city clerk such bond of security as may be required by law or by any ordinance or resolution of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

Bond of  
justices.

Penalty.

Bond of other  
officers.

SEC. 12. The council or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act, or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and examine them under oath as to their

Sureties,  
sufficiency of,  
etc.

	property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him, and endorsed upon or annexed to and filed with the bond or instrument to which it relates.
Reduced to writing, etc.	
May require new official bonds.	SEC. 13. The council may also at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city new official bonds, in the same or in such further sums and with new or such further surety as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.
Resignations.	SEC. 14. Resignations of officers shall be made to the council subject to their approval and acceptance.
Office, when vacated.	SEC. 15. If any officer shall cease to be a resident of the city, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.
Idem.	SEC. 16. If any person elected or appointed to office shall fail to take and file the oath of office or shall fail to give the bond surety required for the due performance of the duty of his office within the time herein limited therefor, the council may declare the office vacant unless previous thereto he shall file the oath and give the requisite bond or security.
Vacancy in office of justice, when filled. In other offices.	SEC. 17. A vacancy in the office of justice of the peace shall be filled at the next annual election or at a special election called for that purpose. Vacancies in any other office shall be filled by appointment by the council within twenty days after the vacancy occurs, or if the vacancy be in an elective office it shall be filled by an election or an appointment within thirty days after the vacancy occurs, in the discretion of the council.
Resignation, etc., not exonerate sureties, etc.	SEC. 18. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.
Delivery of books, etc., to successor.	SEC. 19. Whenever any officer shall resign or be removed from office or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally for like offence under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.
Penalty.	
Officer, who deemed.	

## CHAPTER V.

## ELECTIONS.

SECTION 1. An annual city election shall be held on the first Monday in April in each year at such place or places in each of the several wards of the city as the council shall designate. Annual city election.

SEC. 2. Special elections may be appointed by resolution of the council, and held in and for the city at such times and place or places as the council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election. Special elections.

SEC. 3. Notice of time and place or places of holding any election and of the officers to be elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the city clerk at least ten days before such election, by posting such notices in three public places in each ward in which the election is to be held and by publishing a copy thereof in one or more newspapers published in the city, the same length of time before the election, and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election. Notice, how given.

SEC. 4. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships. On the day of election, held by virtue of this act, the polls shall be opened at the place or places designated by the council at seven o'clock in the morning, or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspector shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls, one hour, thirty minutes and fifteen minutes respectively, before the closing thereof. Ballot boxes.

SEC. 5. The council shall appoint for each ward four of their number who shall act as inspectors of election: *Provided*, That at any election at which a representative in the State legislature is to be elected the council shall then choose four inspectors who shall be residents and electors of the ward in which such election is to be held. In case four of the inspectors do not attend at the opening of the polls, or shall not remain in attendance, such vacancies shall be filled as provided by the general election laws of the State. Each person chosen or appointed as inspector of election shall take the constitutional oath of office, which oath any one of the inspectors may administer. Inspectors of election. Proviso. Representative elected. Vacancy. Oath.

SEC. 6. The inspectors of election, as specified in the last two sections, shall also be inspectors of State, county and district elections in their respective voting districts. Each in- Idem. Compensation.

spector of election shall receive three dollars per day as compensation.

Elections,  
how con-  
ducted.

SEC. 7. All elections held under the provisions of this act, shall be conducted, as nearly as may be, in the manner provided by law, for holding general election in the State, except as herein otherwise provided; and the inspectors of such election shall have the same power and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes as are conferred by law upon inspectors of general elections held in this State.

Election  
commissioners.

SEC. 8. The council shall, at least ten days previous to any election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for such city for such election, and they shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties.

Ballot, general  
election law  
to govern.

SEC. 9. The electors shall vote by ballot. Such ballot shall be prepared and furnished by the board of election commissioners as provided by the general election laws of the State, and shall contain the names of all officers to be voted for, and all questions or propositions submitted to be voted upon, and all matters touching the form and contents of the ballot and the casting and canvassing of the same, and all other matters touching elections shall be governed by the general election laws of the State, when not inconsistent with the provisions of this act.

Canvass,  
when council  
to meet.

SEC. 10. The council shall convene on Thursday next succeeding each election at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon and what persons were duly elected at the said election to the several offices respectively; and thereupon the city clerk shall make duplicate certificates under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively, one of which certificates he shall file in the office of the county clerk of Ottawa county, and the other shall be filed in the office of the city clerk.

Certificates,  
clerk to make.

Person,  
when deemed  
elected.  
In case of no  
choice.

SEC. 11. The person receiving the greatest number of votes for any office in the city shall be deemed to be duly elected to such office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

Notice to  
persons elected  
or appointed.

SEC. 12. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section thirteen, to notify each person elected, in

writing, of his election; and he shall also, within five days after the appointment of any person to any office, in like manner notify such person of such appointment.

SEC. 13. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed the city clerk shall report, in writing to the council, the names of the persons elected or appointed to any office, who shall have neglected to file such oaths and requisite bond or security for the performance of the duties of the office.

Notice to council of persons neglecting to file bond or oath.

## CHAPTER VI.

### DUTIES AND COMPENSATION OF OFFICERS.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall, from time to time, give the council information concerning the affairs of the corporation and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, and see that the laws relating to the city, and the ordinances and regulations of the council are enforced. He shall be ex-officio a member of the board of supervisors of Ottawa county.

Mayor, power and duties of.

Member, ex-officio.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city the power conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

Conservator of the peace.

SEC. 3. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for the neglect of duty. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employe or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by ordinance of the city.

May remove officers, inspect books, etc.

SEC. 4. In the absence or disability of the mayor or of any vacancy in his office, the president pro tempore of the council shall perform the duties of mayor.

President pro tem. to act in vacancy.

### ALDERMEN.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city and in securing the faithful performance of duty by all officers of the city.

Power and duty of.

## CITY CLERK.

Power and  
duty of.

SEC. 6. The city clerk, in addition to such other duties as are herein prescribed, shall keep the corporate seal and all the documents, official bonds, papers, files and records of the city, not by this act or the ordinances of the city intrusted to some other officer; he shall be clerk of the council, shall attend its meetings, record all its proceedings, ordinances and resolutions and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the city, copies of the papers and records filed and kept in his office and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

Idem.

SEC. 7. The city clerk shall, unless otherwise herein provided for, exercise a general supervision over all officers charged in any manner with the receipt, collection, and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city and of all debts and liabilities; he shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities with the proper classification thereof, and showing the purpose for which each fund was raised; he shall keep an account with the city treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping separate account with each fund; when any fund has been exhausted, the clerk shall immediately advise the council thereof. He may, subject to the approval of the council, appoint a deputy who shall possess all the power and authority of the city clerk, and may exercise all the duties thereof subject to the control of such clerk, and such deputy shall be paid for his services by the clerk unless otherwise provided by the council. The clerk shall be responsible for all the acts and defaults of such deputy and he may remove such deputy at his pleasure.

Deputy.

Statement of  
receipts, ex-  
penditures,  
etc.

SEC. 8. The city clerk shall report to the council whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

City  
treasurer,  
power and  
duty of.

SEC. 9. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city. He shall receive all moneys belonging



to and receivable by the corporation and keep an account of all receipts and expenditures. He shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund specified in the warrant. He may also, subject to the approval of the council, appoint a deputy who shall possess all the powers and authority of the treasurer so far as relates to the collection of taxes, subject to the control of the treasurer; and the city treasurer and his bondsmen shall be liable for the acts and defaults of such deputy. Such deputy shall be paid for his services by the treasurer.

Sec. 10. The city treasurer shall be the collector of State and county taxes within the city and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe.

Collector of  
state and  
county taxes,  
etc.

Sec. 11. The treasurer shall render to the clerk on the first Monday of every month and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually on the third Monday in March and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made and the balances remaining in each fund; which account shall be filed in the office of the clerk and shall be published in one of the newspapers of the city.

Monthly  
report.

Annual  
account.

Filed and  
published.

Sec. 12. Said treasurer shall take receipts for all moneys paid from the treasury showing the amount and fund from which payment was made, and the voucher or warrant upon which it was paid, and file the same with his monthly report.

Receipts and  
vouchers.

Sec. 13. The city treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own moneys, and he is hereby prohibited from using either directly or indirectly, the corporation moneys, warrants, or evidences of debts or any of the library funds in his custody or keeping, for his own use or benefit, or that of any other person; any violation of this section shall subject him to immediate removal from office by the city council, which is hereby

Moneys,  
keeping of.

Violation to  
vacate office.

Tax collector  
fees and  
percentage.

Proviso,  
percentage  
for special  
assessments.

Chief of police,  
powers and  
duties of.

Idem.

Deputy.

Marshal to  
report to  
council;  
what to  
contain.

Moneys  
where paid.

authorized to declare the office vacant, and to appoint his successor for the remainder of his term. The city treasurer shall be collector of city, school, State and county taxes within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe, and shall receive for his services as treasurer the same fees and percentage for collecting taxes and compensation as township treasurers receive by law, and no other: *Provided, however,* The council may allow and pay the treasurer for the collection of assessments on special assessment rolls such percentage on the sums collected as they may deem proper not exceeding, however, two per cent. on the amount collected, or the council may, in lieu of such percentage for the collection of taxes, pay said treasurer such compensation as they shall deem proper.

SEC. 14. The city marshal shall be the chief of police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all ordinances and regulations of the council made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violation of the ordinances of the city; such process may be served anywhere within the State.

SEC. 15. He shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command the aid of citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view and with or without process, any person found in the act of committing any offence against the laws of the State or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets until they shall become sober. He shall also, subject to the approval of the council, appoint a deputy marshal, who shall possess all the powers and authority of the marshal, and may exercise all the duties thereof subject to the control of such marshal. The marshal shall be responsible for all the acts and defaults of such deputy, and may remove him at his pleasure, and appoint another subject to the approval of the council.

SEC. 16. The marshal shall report in writing and on oath to the council at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless otherwise directed by this act, shall be paid into the city treasury during the

same month when received, and the treasurer's receipt therefor shall be filed with the city clerk.

SEC. 17. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to or be paid by the city. Fees.

#### CITY ATTORNEY.

SEC. 18. The city attorney in addition to the other duties prescribed in this act, shall be the legal advisor of the council, and of all officers of the city and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute all offences against the ordinances of the city. Duty of.

#### CITY SURVEYOR.

SEC. 19. The city surveyor shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors; he shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council or officers of the city relating to the public improvements, buildings, grounds and streets of the city. Power and duty of.

#### STREET COMMISSIONER.

SEC. 20. It shall be the duty of the street commissioner to perform or cause to be performed, all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and public parks within the city, as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council. Duty of.

SEC. 21. He shall make a report to the council, in writing, and on oath, once each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expense incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath aforesaid: *Provided*, That nothing in this act shall prevent the council from bestowing the powers and duties of the street commissioner upon the marshal when it shall be deemed advisable. Monthly report to council.  
Proviso.

## CONSTABLES.

- Power and authority of.** SEC. 22. The constables of the city shall have like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.
- Duties.** SEC. 23. The constables of the city shall obey all lawful orders of the mayor, aldermen and marshal and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution, or regulation of the council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Each constable before entering upon the duties of his office shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.
- Security to be given.**

## SUPERVISORS.

- Duty relative to assessment, etc.** SEC. 24. The supervisor is authorized to perform within the city of Zeeland the same duties in relation to the assessment of the property and levying taxes for all purposes as are imposed by law upon supervisors elected in the townships; and he shall have the like power, and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed; he shall, together with the mayor, represent the city in the board of supervisors in the county of Ottawa, and such supervisor and the mayor shall have all the rights, privileges and powers of the several members of such board of supervisors.
- Member board of supervisors.**
- Selection of jurors.** SEC. 25. The supervisor shall select and return lists of grand and petit jurors to the clerk of the county for his district in the same manner and within the same time as the like duty is required to be performed by township officers.

## JUSTICES OF THE PEACE.

- Jurisdiction.** SEC. 26. Justices of the peace elected in the city of Zeeland, shall have and exercise therein and within the county, the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects so far as occasion may require as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try and determine all suits and prosecutions
- Violations of ordinances.**

for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed subject only to the limitations prescribed and directed in section seventeen of chapter nine of this act.

SEC. 27. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them shall, except as otherwise provided in this act, be according to and be governed by the general laws applicable to justice courts and to the proceedings before such courts. Proceedings,  
how governed.

SEC. 28. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings and the judgment rendered in every such cause and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all reasonable times to the examination of any person desiring to examine the same and shall be produced by the justice to the council whenever required. Docket,  
how kept.  
  
Examination  
of.

SEC. 29. All fines, penalties and forfeitures collected or received by any justice of the peace for, or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures and moneys collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first day of the month next after the collection or receipt thereof; and the justice shall take the receipt of the city treasurer therefor and file the same with the city clerk. Monthly  
payment of  
fines, etc., to  
treasurer.

SEC. 30. Every such justice shall report, on oath, to the treasurer at the time of making the payments provided for in the next preceding section, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution. Report, what  
to contain.

SEC. 31. All fines recovered for the violation of the penal laws of the State, when collected and paid into the city treasury shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders shall be paid by the county in which the city is located. Fines re-  
covered under  
penal laws.  
Expense of  
prosecution,  
how paid.

SEC. 32. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties to be approved by Bond required.

the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace within and for the city.

Misconduct,  
etc., of justice.

SEC. 33. Any justice of the peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly.

To account to  
council for  
goods, etc.,  
unclaimed.

SEC. 34. Every justice of the peace of the city shall account on oath to the council, for all such moneys, goods, wares, and property, seized or stolen, as shall remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by law.

Additional  
rights, etc.,  
of officers.

SEC. 35. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution.

#### COMPENSATION OF OFFICERS.

Mayor,  
aldermen.

Marshal,  
clerk, etc.

Supervisors.

Justices,  
constables,  
etc.

Other officers.

When salary,  
etc., not to  
be changed.

SEC. 36. The mayor and aldermen may each receive such salary, not exceeding fifty dollars per year, as may be prescribed by the council. The city marshal, clerk, treasurer, city attorney, and chief of the fire department shall each receive such annual salary as the council shall determine by ordinance. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them shall be two dollars per day for the time actually employed, or the council may in lieu of such per diem, pay said supervisor such compensation as they shall deem proper. Justices of the peace, constables, and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city, shall, except as herein otherwise provided, receive such compensation as the council shall determine.

SEC. 37. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed when, during the same time, the salary or rate of compensation has been increased.

## CHAPTER VII.

## THE CITY COUNCIL.

SECTION 1. The legislative authority of the city shall be vested in a council consisting of the mayor, six aldermen and city clerk. City legislative authority.

SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote. President of council.

SEC. 3. On the first Monday in May of each year, the council shall appoint one of their number president pro tem. of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions, but he shall have no additional vote by reason of being the presiding officer. In the absence of the president and president pro tem., the council shall appoint one of their number to preside, and for the time being he shall exercise the powers and duties of president pro tem. President pro tem., when appointed.  
Not to have additional vote.

SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk or his deputy, the council shall appoint one of their number to perform the duties of clerk for the time being. Clerk of council, duty.

SEC. 5. Each alderman shall be required to attend all sessions of the council, and serve upon committees when appointed thereon. No alderman shall vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote unless excused therefrom by a vote of two-thirds of the aldermen elect. Attendance at sessions.

SEC. 6. The council shall be judge of the election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than one of which shall be held in each month. The mayor or any three members of the council may call special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence at least six hours before the meeting. Judge of election returns, etc.  
Regular meetings.  
Special meetings.

SEC. 7. All meetings and sessions of the council shall be in public. A majority of the aldermen elect shall make a quorum for the transaction of business; a less number may adjourn from time to time, and all pending business and business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting without further notice, and the members present may compel the attendance of absent members in such manner as shall be prescribed by rules or ordinance; but no office shall Quorum, when may adjourn.

Two-thirds  
vote.

be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein purchased, leased, sold or disposed of, or private property be taken for public use, unless by a concurring yea and nay vote of two-thirds of all the aldermen elect, nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council, nor shall any resolution be passed or adopted except by a vote of the majority of all the aldermen elected to office, except as herein otherwise provided.

Majority vote.

Votes, how  
taken.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays when required by one or more members, and be so entered upon the journal, as to show the names of those voting in the affirmative and those in the negative, and within ten days after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

Attendance,  
misbehavior,  
etc.

SEC. 9. The council may compel the attendance of its members and other officers of the city at its meetings, in such manner, and may enforce such fines for non-attendance, as may, by ordinance, be prescribed and may, by ordinance, prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present, at any session of the council.

City attorney,  
marshal, etc.,  
may be re-  
quired to  
attend.

SEC. 10. The city attorney, marshal, street commissioner, surveyor and chief of the fire department may take part in all proceedings and deliberations of the council on all subjects relating to their respective departments, subject to such rules as the council shall, from time to time, prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Finance and  
city property.

SEC. 11. The council shall have control of the finances and of all property of the city corporation, except as may be otherwise provided by law.

Enaction of  
special  
ordinances.

SEC. 12. Whenever by this act or any other provisions of law any power or authority is vested in, or duly imposed upon the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

Standing  
committees;  
duties, how  
appointed.

SEC. 13. The council may provide for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor, subject to the approval of the council.



**SEC. 14.** The council shall cause all the records of the corporation, and of all proceedings of the council, and of all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation, unless required by this act to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept as to be convenient of access and inspection; and all such records, books and papers shall be subject to inspection by any inhabitant of the city or other person interested therein, at all seasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of the same from being known, shall, upon conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Books,  
documents,  
etc., where  
deposited.

Subject to  
inspection.

Penalty for  
injuring,  
destroying,  
etc.

**SEC. 15.** No member of the council shall receive any compensation for his services, either as alderman, committeeman or otherwise, except as herein provided.

Compensation  
of aldermen,  
etc.

**SEC. 16.** Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect; and the council may remove from office any alderman by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers other than aldermen and justices of the peace, provisions shall be made, by ordinance, for preferring charges against such officers and trying the same; and no removal of an elective officer other than an alderman, shall be made except by a two-thirds vote of all the aldermen elect and unless a charge in writing is preferred, and an opportunity given to make defense thereto.

Removal of  
officers, vote  
required.

**SEC. 17.** To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or justice of the peace of the city is empowered at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers before the council, or any committee thereof.

Investigation  
of charges;  
subpoenas,  
etc.

**SEC. 18.** Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths, and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

Oaths, who  
may ad-  
minister.

Accounts,  
audit and  
allowance of.

SEC. 19. The council shall audit and allow all accounts chargeable against the city, but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation, or an affidavit of the person rendering it to the effect that he verily believes that the services or property have been actually performed or the property delivered to the city, that the sums charged therefor are reasonable and just, and to the best of his knowledge and belief, no set-off exists, no payment has been made on account thereof, except such as are indorsed or referred to in such account or claim, and every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city for personal injuries or otherwise, that it has never been presented, certified to or verified as aforesaid, to the council for allowance; or, if such claim is founded on contract, that the same was presented without the affidavit or certificate as aforesaid, and rejected for that reason; or, that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

Defense,  
what to be  
sufficient.

## CHAPTER VIII.

### ORDINANCES.

Style of,  
when effective  
etc.

SECTION 1. The style of all ordinances shall be "The city of Zeeland ordains;" all ordinances shall require for their passage the concurrence of a majority of all the aldermen elected; the time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

May prescribe  
fines, etc.

SEC. 2. When, by the provisions of this act, the council has authority to pass ordinances for any purpose, it may prescribe fines, penalties and forfeitures not exceeding one hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding three months or both in the discretion of the court, together with the cost of prosecution for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such penalty or fine or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding three months unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison or in the county jail of the county of Ottawa, or in such other prison or place of confinement in the State as the council may prescribe, and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture and imprison-

Imprison-  
ment.

ment, for the violation of any ordinance, shall be prescribed therein.

SEC. 3. No ordinance or resolution passed by the council shall have any force or effect, if, on the day of its passage, or on the next day thereafter, the mayor, or other officer or person legally discharging the duties of mayor, shall lodge in the office of the clerk a notice, in writing, suspending the immediate operation of such ordinance or resolution. If the mayor or other officer or person legally exercising the office of mayor, shall, within three days after the passage of any such ordinance or resolution, lodge in the office of the city clerk his reason in writing why the same should not go into effect, the same shall not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the council, be passed by a two-thirds vote of all the aldermen elect, exclusive of the mayor or other officer or person legally exercising the duties of the office of mayor, and if so repassed shall go into effect according to the terms thereof. If such reason shall not be lodged with the clerk as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the council shall go into operation until after the expiration of twenty-four hours after its passage, unless the said mayor, or acting mayor shall approve the same in writing.

Notice  
suspending  
immediate  
operation.

Effective if  
repassed by  
two-thirds  
vote.

If reason not  
lodged when  
effective.

SEC. 4. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section or part of a section of an ordinance is amended, the whole section, as amended, shall be re-enacted.

Repealed  
ordinances,  
how revived.

SEC. 5. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the clerk of the council, in a book to be called the "Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Record of  
ordinances.

SEC. 6. Within one week after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and the clerk shall immediately after such publication enter upon the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date, such publication was made, and sign the same officially, and such certificate shall be prima facie evidence that legal publication of such ordinance has been made.

Publication of.

SEC. 7. In all courts having authority to hear, try or determine any matter or cause arising under the ordinance of the city, and in all proceedings in the city relating to or arising under the ordinances or any ordinance thereof, judicial notice shall be taken of the enactment, existence, pro-

Judicial  
notice taken  
of enactment,  
etc.

When  
necessary to  
prove laws,  
etc.

visions and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of the city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings: First, from a record thereof kept by the city clerk; second, from a copy thereof or of such record thereof, certified by the city clerk under the seal of the city; third, from any volume of ordinances purporting to have been written or printed by authority of the council.

## CHAPTER IX.

### ENFORCEMENT OF ORDINANCES.

Prosecutions

SECTION 1. Prosecutions for violations of the ordinances of the city of Zeeland shall be commenced within two years after the commission of the offence and shall be brought within the city or in the county of Ottawa.

Penalties and  
forfeitures,  
how recovered.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in any action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

Actions and  
proceedings.

SEC. 3. Such action shall be brought in the name of the city of Zeeland, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

Prosecutions  
commenced  
by warrant.

SEC. 4. Prosecutions for violations of ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

Warrant,  
how drawn,  
etc.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form,

and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses and in the rendition of judgment, and in the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace.

Proceedings,  
how governed.

SEC. 6. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

Judgment.

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment without payment operate as a satisfaction of the fine and cost imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly in the former case, until the expiration of the sentence, unless the fine and cost be sooner paid, and in the latter for the term named in the sentence.

How ex-  
ecuted.

SEC. 8. The city shall be allowed the use of the jail of the county of Ottawa, for the confinement of all persons liable to imprisonment, under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment in such county jail or in the city prison, or other place of confinement provided by the city or authorized by law, or by order of the city, and the sheriff or other keeper of such jail or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

County jail,  
use of.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the city marshal or to any constable of the city or county, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace.

Process, how  
directed and  
executed.

Ordinance,  
how stated,  
etc.

Statement of  
cause.

Trial by  
jury.

Qualifications  
of jurors.

Proceedings,  
removal of.

Fines, pay-  
ment and  
collection of.

SEC. 10. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval. It shall be a sufficient statement of the cause of the action in any such complaint or warrant, to set forth substantially and with reasonable certainty as to time and place, the act or offence complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city, and the resolutions of the council and of the authority of the city to enact the same.

SEC. 11. In all prosecutions for violation of the ordinance of the city either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested on account merely of such interest as he may have in common, with all the inhabitants of the city in the result of the suit.

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Ottawa, by appeal or writ of certiorari; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and certiorari in criminal cases cognizable by justices of the peace, and in suits to which the city shall be a party brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment or remove the proceedings by certiorari into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and certiorari in civil causes tried before justices of the peace, except that the city shall not be required to give any bond or security therein. The circuit court to which the cause shall be appealed or removed by certiorari shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

SEC. 13. All fines imposed for violations of the ordinances of the city if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution,

the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and cost imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty or any part thereof, shall pay the same into the city treasury, except such fines as, by the constitution, are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same and take the treasurer's receipt for and file the same with the city clerk.

When paid  
into treasury.

SEC. 14. If any person who shall have received any such fine or any part thereof shall neglect to pay over the same pursuant to the foregoing provisions, it shall be the duty of the council to cause suit to be commenced immediately therefor in the name of the city and to prosecute the same to effect. Any person receiving any such fine who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

In case of  
neglect to pay  
over.

Wilful neglect.

SEC. 15. Fines paid into the city treasury for the violation of ordinances of the city shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by cost collected, shall be defrayed by the city.

Disposal of  
fines paid.

Expense, how  
defrayed.

SEC. 16. The circuit court of the county of Ottawa shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violation thereof, when the fine or forfeiture imposed shall exceed one hundred dollars or where the offender may be imprisoned for the term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures and to punish violations of the criminal laws of the State; and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties shall apply.

Jurisdiction,  
when circuit  
court to  
have.

Proceedings,  
how governed.

SEC. 17. The justice of the peace of the city shall have jurisdiction in all cases mentioned in the preceding section when the fine or forfeiture imposed shall not exceed one hundred dollars, or when the offender may be imprisoned for a term not exceeding three months.

Justice of  
peace,  
jurisdiction of.

SEC. 18. In all prosecutions for violations of the ordinances of the city commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the cost of the proceedings in case the defendant is acquitted, but he shall not be liable for the payment of the costs if the magistrate, before whom the complaint is made or trial is had, shall certify in his minutes that there was probable cause for making such complaint.

When  
prosecutor to  
file security  
for costs.

## CHAPTER X.

## GENERAL POWERS OF THE CORPORATION.

**SECTION 1.** The city of Zeeland shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass, enact, make, continue, establish, modify and repeal such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely:

Vice and  
immorality.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance of the public peace, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vagrants,  
drunkards.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

Nuisances,  
etc.

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances;

Disorderly  
houses.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance and to punish the keepers thereof;

Billiards.

Fifth, To regulate, license or prohibit and suppress the use of billiard tables, nine or ten pin alleys or tables, and ball alleys, and to punish the keepers thereof;

Gaming.

Sixth, To prohibit and suppress every species of gambling and gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming or gambling;

Saloons.

Seventh, To suppress saloons for the sale of spirituous and intoxicating liquors;

Ale and porter  
houses.

Eighth, To prohibit and suppress ale, beer and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof; and all persons assisting in carrying on the business thereof, and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;



Ninth, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors, and to punish any person so doing; Liquors.

Tenth, To regulate, restrain, prohibit or license all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received, lectures or historic, literary, religious or scientific subjects excepted; Shows, exhibitions.

Eleventh, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled at any time for any lawful purpose; and to require all places of business to be closed on the Sabbath day; Sabbath desecration.

Twelfth, To license auctioneers, auctions, and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys or upon any public grounds within the city; to regulate or prohibit the sales of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue; Auctions.

Thirteenth, To license hawkers, peddlers and pawnbrokers, and hawking and peddling; and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in or upon the streets, highways, alleys, sidewalks, or in or upon the wharves, docks or from boats, open places or spaces, public grounds or buildings in the city; Hawkers, peddlers.

Fourteenth, To regulate and license all taverns, hotels, and houses of public entertainment; all saloons, restaurants, and eating houses; and all places where tobacco, cigars, and any beverages are kept for sale; and to prescribe, regulate, restrict and designate the location thereof; Hotels, restaurants.

Fifteenth, To license and regulate all vehicles of every kind, used for the transportation of persons or property for hire in the city, and to regulate and fix their stands on the streets, and public places and at the railroad stations, grounds and other places; Transportation.

Sixteenth, To regulate the inspection, weighing and measuring of brick, lumber, fire-wood, coal, hay, and any article of merchandise; Lumber, coal, hay.

Seventeenth, To provide for the inspection and sealing of weights and measures; and to enforce the keeping and use of proper weights and measures by buyers and venders and others; Weights and measures.

Eighteenth, To provide for the sprinkling of the streets or parts of the streets of the city, and to pay for the same by Sprinkling.

- Proviso.** special assessment levied in special street sprinkling assessment districts to be established for that purpose; such special assessment to be levied and collected in the same manner as provided in chapters twenty-one and twenty-six for the levying and collecting of special assessments for special street improvements: *Provided*, That unless a majority of the persons to be assessed in any one special street sprinkling assessment district shall petition therefor no such street sprinkling shall be ordered except by the concurring vote of two-thirds of all the aldermen elected;
- Vaults, cisterns.** Nineteenth, To regulate the construction, repair and use of all vaults, cisterns, areas, hydrants, pumps, sewers and gutters;
- Indecent exposure.** Twentieth, To prohibit and prevent in the streets, or elsewhere in said city, indecent exposure of the person, show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, books, or pamphlets, and all indecent or obscene exhibitions and shows of every kind;
- Bathing.** Twenty-first, To regulate or prohibit bathing in the rivers, ponds, streams and waters in the city;
- Salubrity.** Twenty-second, To provide for clearing the rivers, ponds, waters, drains and ditches and streams of the city and races connected therewith of all driftwood and noxious matter; to prohibit and prevent depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;
- Offensive places.** Twenty-third, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, hog pen or other offensive, nauseous or unwholesome structure, place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;
- Cellars, slips, etc.** Twenty-fourth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;
- Mock auctions.** Twenty-fifth, To prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the maintenance, management or practice thereof;
- Lotteries.** Twenty-sixth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or other property whatsoever, and to punish all persons maintaining, directing or managing the same or aiding in the maintenance, directing or managing the same;

Twenty-seventh, To license and regulate solicitors for passengers or for baggage to and from any hotel, tavern, public house, boat or railroad; and to provide the place where they may be admitted to solicit or receive patronage; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description, used and employed for hire and to fix and regulate the amounts and rates of their compensation;

Solicitors for passengers, etc.

Draymen, porters.

Twenty-eighth, To provide for the protection and care of paupers and poor persons in the city and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon the city, and to punish therefor;

Paupers.

Twenty-ninth, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit; and to direct and regulate the same;

Census.

Thirtieth, To regulate the keeping, storing, selling and using of gunpowder, firecrackers and fireworks, kerosene or other combustible oils and materials, and the exhibition of fireworks and the discharge of firearms; and to regulate and prohibit the making and lighting of fires in the streets or other open spaces in the city; and to regulate the use of lights in barns, stables and other buildings;

Explosives, combustibles.

Thirty-first, To appoint, license and regulate scavengers and chimney sweeps, fix their fees and compensation and prescribe their rights and duties;

Scavengers, etc.

Thirty-second, To provide for and regulate the inspection and sales of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions; and to establish and regulate markets and market places; to prescribe the times for opening and closing the same, the kind and description of articles which may be sold and the stands and places to be occupied by the venders; and to adopt and enforce all such rules and regulations as may be necessary to prevent fraud and to preserve order in the markets; and to authorize and direct the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any articles in his or her possession; and to authorize the seizure and destruction of tainted or unsound meats or vegetables or other provisions exposed for sale therein or anywhere else in the city;

Provisions.

Markets.

Thirty-third, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; and to regulate and prevent the running at large of dogs, to require them to be muzzled and to authorize the killing of all dogs not licensed or running at large in violation of any ordinance of the city;

Dogs.

Thirty-fourth, To prohibit any person from bringing or depositing within the limits of the city of any dead carcasses or other unwholesome or offensive substances, and to

Dead carcasses.

require the removal and destruction thereof; and if any person shall have on his premises such substances or any putrid meats, fish, hides and skins of any kind, to remove or destroy the same and on his default so to do to authorize the removal and destruction thereof as a public nuisance by some officer of the city;

**Street noises.** Thirty-fifth, To regulate the ringing of bells, the crying of goods, and other commodities at sale at auction, and to prevent disturbing noises in the streets, sidewalks and other public or private places in the city;

**Building lines.** Thirty-sixth, To regulate and establish the line upon which buildings may be erected on any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner, builder or workman violating this provision; and to prevent the erection and provide for the removal of all buildings deemed unsafe;

**Immoderate driving, etc.** Thirty-seventh, To prevent and punish horse racing and immoderate driving or riding in any street, lane, park or alley, or over or across any bridge in the city, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, lane, park or alley, or over or across any bridge in said city; and to prevent any person from riding or driving upon or across any sidewalk;

**Vending of hay, fruits, etc.  
Unwholesome provisions.** Thirty-eighth, To regulate the vending of hay, wood, meats, vegetables, fruits, fish and provisions of all kind, and prescribe the time and place for selling the same; to prohibit the sale of unwholesome meat, poultry, fish, vegetables or other articles of food or provisions or the knowingly keeping or offering the same for sale; and to authorize the seizure and destruction of tainted and unsound meats, vegetables, fruits, fish and other provisions exposed for sale: *Provided*, Nothing here contained shall authorize the council to restrict in any way the sale of fresh and wholesome meat by the quarter or carcass within the limits of the city;

**Proviso, meat by the quarter.** Nothing here contained shall authorize the council to restrict in any way the sale of fresh and wholesome meat by the quarter or carcass within the limits of the city;

**Numbering of buildings.** Thirty-ninth, To provide for and regulate the numbering of buildings upon the streets and alleys and to compel the owners or occupants to affix numbers on the same, and to designate and change the names of public streets, alleys and parks;

**Lighting.** Fortieth, To provide for and regulate the lighting of the streets, alleys and public buildings and places and regulate the setting of lamps and lamp posts, and provide for the protection and safety of the same; and to regulate the placing and using of all street railway, telegraph, telephone, power and electric light posts, poles and wires;

**Poles and wires.**

**Ruinous structures.** Forty-first, To require the owner or occupant of any building, fence or structure that may be ruinous or liable to fall and injure persons and property, or that may be unsightly and offensive, to pull down and remove the same; and to au-

thorize the same to be done by the officers of the city at the expense of the owners thereof;

Forty-second, To sell or otherwise provide for the disposing of all dirt, filth, manure, debris lying in or gathering from the highways, streets, avenues, lanes, alleys or public places; and of all earth to be removed therefrom or from the public squares and grounds of the city in grading, paving, or otherwise improving the same;

Dirt, filth,  
etc., disposal  
of.

Forty-third, To provide grounds and places either within or without the limits of the city, on which to deposit the rubbish, garbage or refuse material, in and about the city, and to require the owners and occupants of any lot, building or premises in the city to remove therefrom any and all rubbish, garbage and refuse material found thereon or therein, and to deposit the same on such ground;

Dumping  
grounds.

Forty-fourth, To control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within the city shall be used and to provide for the preservation of and prevention of wilful injury to gutters in said highways, streets, lanes and alleys;

Highways,  
streets, etc.,  
use of.

Forty-fifth, To prevent, control and regulate the exhibition of signs on canvas or otherwise in and upon any vehicle standing or traveling upon the streets of the city;

Canvas signs,  
etc.

Forty-sixth, To prohibit all practice, amusements and doings in said streets having a tendency to frighten teams of horses or endanger life or property;

Frightening  
of teams.

Forty-seventh, To prohibit and punish the use of toy pistols, sling shots and other dangerous toys or implements within the city;

Dangerous  
toys.

Forty-eighth, To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held;

Hitching of  
horses.

Forty-ninth, To regulate the placing and provide for the preservation of horse or hitching posts;

Hitching  
posts.

Fiftieth, To provide for the care, custody and preservation of the public property of the city;

Public  
property.

Fifty-first, To provide for, establish, regulate and preserve all such public fountains and reservoirs within the city as, in the opinion of the council, the convenience of the inhabitants may require; and also such troughs and basins for watering animals as they may deem proper;

Fountains,  
watering  
troughs.

Fifty-second, To license transient traders, which shall be held to include all persons who may engage in the business of selling goods or merchandise after the commencement of the fiscal year, and the license fee in such cases may be apportioned with relation to the part of the fiscal year which has expired, but such traders, if they continue in the same business, shall not be required to take out a second license after the commencement of the next fiscal year: *Provided*, Such goods or merchandise have been assessed for taxes for said fiscal year;

Transient  
traders.

Proviso.

Entrances  
and exits.

Fifty-third, To regulate the entrances to and exits from theaters, lecture rooms, churches, public halls and public buildings of every kind, and prohibit the placing of chairs, benches or other obstructions in the halls, aisles or open places therein;

Further  
authority of  
council.

Fifty-fourth, And the council shall have further authority to enact all ordinances, and to make all such regulations consistent with the laws and constitution of the State as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; and to provide means for paying its liabilities and defraying the contingent expenses of the city, subject only to the limitations and restrictions in this act contained; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

Licenses,  
granting of.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may enact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, or otherwise conditioned, as the council may prescribe. Every license shall be revocable by the council at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made by such license.

Bond given.

License  
revocable.

Term of  
license, etc.

Penalty for  
non-com-  
pliance.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable. The council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation, or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

License  
moneys,  
where  
credited.

SEC. 4. All sums received for licenses granted for any purposes by the city, or under its authority, shall be paid into the city treasury to the credit of the general fund.

Railroad and  
street railway  
companies,  
use of streets,  
etc., by.

SEC. 5. The council shall have authority to permit any railroad company or street railway company to lay its tracks and operate its road with steam, electricity or other power, in or across the streets, highways and public alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such tracks, or operating of any such road, except upon such terms and conditions. But such permission shall not affect the right or claim of any person for dam-

ages sustained by reason of the construction or location of such railroad or street railway: *Provided*, That no franchise for the use or occupancy of any street for any purpose shall be granted to any individual, company or corporation, except by a two-thirds vote of all the aldermen elected, nor shall any such franchise be granted for a period exceeding thirty years: *And Provided further*, That no ordinance or resolution granting directly or by implication any franchise, whether the same be an original grant or an extension or amendment of an existing grant, shall become operative and of effect within thirty days from the date of its passage by the common council and approval by the mayor, or within thirty days from the time hereinabove allowed the mayor to approve the same after its presentation to him, or within thirty days from the date of its repassage over his veto. If, within such period of thirty days, the electors of the city, to the number of not less than twenty-five per cent of the total vote cast for the office of mayor at the last preceding annual charter election, shall petition the common council for the submission of such ordinance or resolution to the vote of the electors of the city for their approval or rejection, then such proposed measure shall not go into effect, but the same shall be so submitted to the vote of the electors at an annual or special election, as the common council may direct. Such election, and the canvassing of the votes and declaring of the result thereof shall in all respects be governed by the provisions of this act applicable to the holding of annual or special elections, as the case may be. If a majority of the votes cast at such election shall be against the approval of such proposed measure, the same shall be held as not having been passed and be void and of no effect. If a majority of the votes so cast shall be in favor of the approval of such proposed measure the same shall be valid and take effect the day after such election.

Proviso,  
two-thirds  
vote to grant  
franchise.

Further  
proviso,  
franchise  
when  
operative.

Ordinance,  
when sub-  
mitted to  
electors.

Election,  
how governed.

How decided.

SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track, and to compel any railroad company or street railway company to raise or lower their railroad tracks, to conform to street grades which are or may be established by the city from time to time; and to compel any railroad company or street railway company to construct street crossings in such manner, and with such protection to persons crossing thereat, as the council may require, and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains and street railway cars within the city; but such speed shall not be required to be less than six miles per hour; and to impose a fine of not less than five nor more than fifty dollars upon the company, and to punish any engineer, motorman or conductor violating any ordinance regulating the speed of trains,

Railroad  
crossings.

Flagmen.

Speed.

Penalty.

by a fine of not less than five nor more than fifty dollars and costs of prosecution, and in default of the payment thereof, to imprison the offender not less than ten or more than sixty days.

Drainage of right-of-way, etc., by railroad or railway companies.

SEC. 7. The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair, such ditches, drains, sewers and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right-of-way properly, and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company in a civil action, before any court having jurisdiction of the cause.

Expense collected in case of neglect.

Partition fences.

SEC. 8. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences, by the owners and occupants of adjoining lots, enclosures and parcels of land in the city; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the city.

Fence viewers.

Poor persons, relief of.

Directors of the poor.

SEC. 9. The council may make such provisions as they shall deem expedient for the support and relief of paupers and poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of one or more directors of the poor for the city, and may prescribe their duties, and vest them with such authority as may be proper for the due exercise of their duties.

Gifts, bequests etc.

SEC. 10. The council is authorized and empowered to receive and accept such gifts, donations, bequests and legacies as they may deem to be for the good of the municipality or the inhabitants thereof.

## CHAPTER XI.

### POLICE.

Council may provide for force.

SECTION 1. The council may provide by ordinance for a police force and for the appointment by the mayor, by and with the consent of the council, of such number of police-



men and night-watchmen as they may think necessary for the good government of the city and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time when in his judgment the emergency or necessity may so require; and may provide for and appoint subordinate officers for the police and night-watchmen.

Special  
policemen.

SEC. 2. The council may make and establish rules for the regulation, uniforming and government of the police, prescribing and defining the powers and duties of policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence and protect public and private property from destruction by fire and from unlawful depredation. The mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergency of the case may require, but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

May make  
rules regul-  
ating, etc.

Temporary  
police, mayor  
may appoint.

SEC. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council.

City marshal  
to have  
superinten-  
dence, etc.

SEC. 4. It shall be the duty of the police and night-watchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, and the laws of the State, to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice in any part of the State; to apprehend any and all persons in the act of committing any offence against the laws of the State, or the ordinances of the city, involving a breach of the peace, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offence; to make complaints to the proper officers and magistrates, of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare, as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police and every policeman and night-watchman shall have all the powers of constables, and may arrest upon view, and without process, any person in the act of violating any ordinance of the city, involving a breach of the peace, or of committing any crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceed-

Duty of police  
nightwatch-  
men, etc.

Police may  
serve process.

ings for violations of the ordinances of the city, and also any other process which, by law, a constable may serve.

Fees and compensation.

To report monthly to council.

Suspension or removal of police.

SEC. 5. When employed in the service of process policemen shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council at its first regular meeting in every month the amount of all moneys and fees received by him for services as policeman since his last preceding report and the names of the persons from whom received and the amount received from each.

SEC. 6. The mayor may suspend any policeman or night-watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from office any policeman appointed thereto at any time.

## CHAPTER XII.

### CITY PRISON.

City prison, station houses.

SECTION 1. The common council shall have power to provide and maintain a city prison and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

Prisoners may be kept at hard labor.

SEC. 2. All persons sentenced to confinement in the city prison and all persons imprisoned therein on execution or commitment for the non-payment of fines and costs for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment either within or without the prison, under such regulations as the council may prescribe.

## CHAPTER XIII.

### PUBLIC HEALTH.

Contagious, infectious diseases.

SECTION 1. The council may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious or contagious diseases within the city or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may provide and prescribe, or the public safety may require.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice and within such time, and in such manner as the council may by ordinance or resolution direct.

Nuisances,  
abatement of.

SEC. 3. If any cellar, vault, lot, sewer, drain, privy, sink, place or premises within the city shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended or purified, or may require the owner or occupant or person in charge of such lot, premises or place, to perform such duties, and may require the owner or occupant of any building, fence or structure, which may be dangerous, ruinous, or liable to fall and injure persons or property, to pull down, remove the same; or the council may cause the same to be done by the proper officers of the city.

Drainage of  
unwholesome  
places, etc.

Dangerous or  
ruinous  
structures.

SEC. 4. If any person, corporation, firm or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, firm, corporation or company. And in all cases where the city shall incur any expense for draining, filling, cleansing, amending or purifying any lot, cellar, vault, sewer, drain, privy, sink, place or premises, or for removing any unsafe building or structure or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies, provide for the recovery of such expense, charge the same, or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collect it as a special assessment.

Expense of  
removal of  
nuisance, how  
recovered.

Additional  
remedy;  
special  
assessment.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign by ordinance certain places within the city, for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignment at pleasure; whenever a business carried on in any place so assigned, or in case any place in the city shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Assignment of  
offensive  
trades, etc.

Hospitals,  
pest-houses,  
etc.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, pest-houses or quarantine buildings, either within or without the city limits, and provide for the appointment of the necessary officers, attendants or employes, for the care and management thereof, and for the care and treatment therein, of such sick and diseased and infected persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health, persons having malignant, infectious or contagious diseases, as well as all persons who have been exposed to such disease may be removed to such hospital, pest-house or quarantine buildings, and there detained and treated, when, in the judgment of the council or the board of health, the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital, pest-house or quarantine grounds until duly discharged.

Board of  
health;  
council to have  
powers, etc.,  
of.

SEC. 7. The council shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by the general laws of the State, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

When may  
establish  
board of  
health.

SEC. 8. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the general laws of the State, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health, or any officer thereof.

Penalties may  
prescribe.

## CHAPTER XIV.

### CEMETERIES.

City may  
acquire, etc.

SECTION 1. The city of Zeeland may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any body buried within the city in violation of any rule or ordinance

Interment  
within city.

made in respect to such burial to be taken up and buried elsewhere.

SEC. 2. The council may, within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and the improvement, adornment, protection and care thereof.

May appropriate sums for purchase, etc.

SEC. 3. Whenever the city shall own, purchase or otherwise acquire any cemetery or cemetery grounds, the mayor, by and with the consent of the council, shall appoint five trustees who shall be freeholders and electors in the city, and who shall constitute "A Board of Cemetery Trustees." The five trustees so appointed shall hold their offices for the term of five years, except at the first appointment one shall be appointed for one year, one for two years, one for the term of three years, one for the term of four years, and one for the term of five years from the first Monday in May of the year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

Board of cemetery trustees.

Terms of.

Removal of trustee.

SEC. 4. The board of cemetery trustees shall appoint one of their number as chairman and the city clerk shall be the clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and, in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

Chairman, clerk.

Power, etc., of board.

SEC. 5. The said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named and plats thereof to be made and recorded in the office of the city clerk. Such board shall also have power in its discretion to take, receive and hold any property, real or personal, by devise or otherwise, which may be granted, transferred or devised by such board in trust for the purpose of carrying forth and keeping in good order and repair any given lot or lots or portion thereof specified in any such trust. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchaser.

Care and management of cemetery.

May receive property by devise, etc.

Lots, sale and conveyance of.

SEC. 6. Said board shall appoint the necessary superintendents and employes for the cemetery; expend the money provided for the care and improvement of the ground, enforce the ordinances of the city made for the management and the

Duties of board.

care thereof and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds as may be consistent with the ordinances of the city and the laws of the State.

Cemetery fund.

Annual report of trustees.

SEC. 7. All moneys raised for any public cemetery authorized by this act and all moneys received from the sale of lots therein or otherwise therefrom, shall be paid into the city treasury and constitute a fund to be denominated "The Cemetery Fund." Said fund shall not be devoted or applied to any other purpose except the purpose of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Provisions governing public cemeteries; how made effective.

SEC. 8. The council of the city owning a public burial ground or cemetery whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

May ordain protection of sectarian, etc., cemeteries.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city belonging to or under control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof, and the appurtenances thereto.

## CHAPTER XV.

### POUNDS.

Pound masters, compensation, etc.

SECTION 1. The common council may provide and maintain one or more pounds within the city, and may appoint pound masters, prescribe their powers and duties, and fix their compensation; and may restrain, regulate or prohibit the running at large of horses, cattle, swine or other animals, geese and other poultry, and may authorize the impounding of the same when found in the streets or otherwise at large, contrary to any ordinance of the city; and may impose penalties upon the owners or keepers thereof permitting the same; and if there shall be no pound or pound master, they may provide for the impounding of such horses, cattle, swine and

When city marshal to act as.

other animals, geese and other poultry, by the city marshal, in some suitable place under his immediate care and inspection and may confer on him the powers and duties of pound master.

SEC. 2. The council may also prescribe the fees for impounding, and the amount or rates of expense for keeping, and the charges to be paid by the owner or keeper of the horses, cattle, swine or other animals, geese or other poultry impounded; and may authorize the sale of the same for the payment of such fees, expenses, and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

Fees for impounding.

Sale authorized.

## CHAPTER XVI.

### MARKETS.

SECTION 1. The common council shall have the power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the time for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the venders.

Council may erect, regulate, etc.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other unwholesome provisions exposed for sale therein.

May adopt rules and regulations

## CHAPTER XVII.

### PUBLIC BUILDINGS, GROUNDS AND PARKS.

SECTION 1. The city of Zeeland may acquire, purchase, rent and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings and other purposes necessary or convenient for the public good, and such buildings and grounds or any part thereof, may be sold, leased and disposed of as occasion may require.

City may acquire buildings. Real estate.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work houses, hospitals, pest-houses, cemeteries, parks, electric light plants, water works, and other necessary public uses, may be pur-

Buildings, etc., erection and maintenance beyond corporate limits.

chased, erected and maintained beyond the corporate limits of the city and in such cases the council shall have authority to enforce, beyond the city limits, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work houses or hospitals.

Parks, etc.

SEC. 3. The council shall have authority to lay out, establish and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light and ornament the same and to regulate the care thereof and to protect the same and the appurtenances thereof from obstructions, encroachments and injury, and from all nuisances.

## CHAPTER XVIII.

### SEWERS, DRAINS AND WATER COURSES.

SECTION 1. The council may establish, construct and maintain sewers and drains wherever and whenever necessary, and of such dimensions and materials and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable such drains and sewers shall be constructed in the public streets and grounds. And the council shall have power and authority to cause the whole or any part of the expense of establishing, constructing and maintaining any such sewers and drains to be assessed upon the lots, blocks, parcels of lands and premises benefited thereby to the extent that such lots, blocks, parcels of land and premises, in their opinion, are benefited by such improvements.

Private property, taking of.

Expense, how assessed.

Management and control.

Plan, devising of.

Formation of districts.

SEC. 2. The council shall have the management, supervision and control of the sewers, sewerage system and drainage of the city, and the charge of their construction.

SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city or for any part thereof, the council shall devise or cause a plan of such sewerage or drainage to be devised, for the whole city, or for such part thereof as they may determine.

SEC. 4. Such plan shall, in the discretion of the council, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections, the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of

Plats, filing of.



such plans, when completed, and adopted by the council shall be filed in the office of the city clerk.

SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the council, will be benefited by the construction thereof, may be formed of territory not included in any main sewer district. Special sewer districts.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts and prepare diagrams, or plats thereof, or cause diagrams or plats to be prepared, which, when approved by the council, shall be recorded in the office of the clerk, in the book of sewer records. Main sewers without reference to district.

SEC. 7. The costs and expense of establishing and making any drain or trunk sewers, constructed without reference to sewer districts, shall be paid from the general fund, excepting such portion or portions thereof as the council shall deem to be of benefit to adjacent private property, which property shall be described and the benefits thereto determined, assessed and taxed in the same manner as hereinafter provided. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral, branch or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such costs and expenses shall be defrayed by special assessment upon the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits, as aforesaid, shall be made without reference to any improvements or buildings upon the lands. Costs and expense of sewers, how paid.

SEC. 8. Before proceeding to the construction of any district sewer the council shall prepare, or cause to be prepared, a diagram and plat of the whole sewer district, showing all the streets, public grounds, lands, lots, and subdivisions thereof in the district, and the proposed route and location of the sewer, and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof, and thereupon the council shall give notice, by publication, for at least two weeks, in one or more of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer. Assessment of benefits.

Diagram, estimate to be prepared.

Notice given.

Determination,  
how declared.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution designating the district and describing by reference to the plat and diagram thereof, mentioned in the preceding section, and route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment according to benefits; and they shall cause such plat and diagram, as adopted, to be recorded in the office of the city clerk, in the book of sewer records.

Where  
recorded.

Special  
assessments,  
how made.

SEC. 10. Special assessments for the construction of sewers shall be made by the board of special assessors in the manner provided in this act for making special assessments.

When owner  
may petition  
for sewer.

SEC. 11. When the owner of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands included in the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

Private  
drains.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance, and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon in the manner hereinafter provided for the levying and collecting of special assessments.

When expense  
lien on  
premises.

Right to  
connect.

SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same at their own expense by means of private drains, with the public sewers and drains, under such rules and regulations as the common council shall prescribe.

Amount may  
charge for  
connection.

SEC. 14. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain, and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

Ditches and  
water courses.

SEC. 15. Such part of the expenses of providing ditches and improving water courses as the council shall determine,

may be defrayed by a special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

SEC. 16. The expenses of repairing public sewers, ditches and water courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Expense of  
repairing,  
how paid.  
Of recon-  
structing.

SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

May ordain  
protection,  
etc.

SEC. 18. If the council shall have determined to construct any main sewer in any main sewer district, or any main or trunk sewer, without reference to any sewer district, and if it shall be necessary for the city to borrow money for the payment of the amount determined by the council to be paid from the general sewer fund toward the construction of such sewer in such main sewer district, or for the payment of a trunk sewer to be constructed without reference to a sewer district, then before any further proceedings are had looking towards the construction of such sewer, the council shall cause to be made and recorded in their proceedings an estimate of the amount necessary to be borrowed for such purpose and the question of borrowing such amount shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council as provided in this act, and shall be determined as a majority of the electors voting at such election by ballot shall decide; and if a majority of such electors shall vote for the borrowing of such amount of money, then it shall be lawful for the city to borrow such sum of money not exceeding in all three per cent of the assessed value of the property in such city as shown by the last preceding tax roll, to be used exclusively for that purpose. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this section, and to issue the bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value.

When  
necessary for  
city to  
borrow  
money.

Estimate to be  
made.

Question  
submitted.

How  
determined.

Time and  
place of  
payment, etc.

## CHAPTER XIX.

### STREETS AND PUBLIC GROUNDS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in repair and free from nuisance. The city shall not be liable in damages sustained by any person in such city either to his person or property by reason

Supervision  
and control.

Damages,  
liability of  
city in.

Notice, what to contain.	<p>of any defective street, sidewalk, crosswalk, or public highway, or by reason of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk, or public highway, situated in such city unless such person shall serve, or cause to be served, within sixty days after such injury shall have occurred, a notice in writing upon the clerk or deputy clerk of the city, which notice shall set forth substantially the time when and place where such injury took place, the manner in which it occurred, and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold such city liable for such damages as may have been sustained by him. The city shall not be responsible for the care, improvement or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall have been accepted and confirmed by the council by any ordinance or resolution specially passed for that purpose.</p>
When city responsible for care, etc., of street.	<p>SEC. 2. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund.</p>
Authority to lay out, etc., highway.	<p>SEC. 3. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting with a copy of said resolution shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.</p>
Private property, how taken.	<p>SEC. 4. The council may cause all public streets, alleys and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and</p>
Expense, how paid.	
Proceedings to vacate, etc.	
Notice given.	
Objections filed.	
Survey and record of public streets, etc.	

descriptions thereof to be recorded in the office of the city clerk, in a book of street records, and they shall cause surveys and descriptions of all streets, alleys and public grounds open, laid out, altered, extended or accepted and confirmed by the council, to be recorded in like manner; and such record shall be prima facie evidence of the existence of such streets, alleys or public grounds as in the record described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground, shall also be recorded in said book of street records; and the record shall be prima facie evidence of all the matters therein set forth.

Prima facie evidence.

SEC. 5. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade and upon such line as shall be prescribed by the council; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

Grades of streets and improvement of adjacent property.

SEC. 6. Whenever any street, alley or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

Highways, improved adjacent property owners, relieved from special tax.

SEC. 7. Whenever the grade of any street or sidewalk shall have been heretofore, or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be ascertained by a jury as provided in chapter twenty-two of this act, or said damages may be ascertained and agreed upon by and between such city and the owner or occupant of such premises. Whenever such damage shall be ascertained or agreed upon as heretofore provided, such damages, or such part thereof as the council shall deem equitable and just, shall be paid by the city, or the council may cause such damages, or such part thereof as may be just and proper, to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the council shall determine to assess such damages, or any part thereof,

Highway improved by adjacent property owner, compensation for damages to.

Damages, assessment of.

upon the property benefited, it shall determine and define a district in said city, which in its judgment is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon said district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion as nearly as may be to the advantage or benefit each lot, parcel or subdivision is deemed to acquire by the improvement out of which such damages arise, but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited in the grading and improvement of streets, as provided for in this act; and all of the provisions of chapter twenty-one of this act relative to special assessments and the collection thereof, shall apply thereto. Such damages, when collected as aforesaid, and when determined upon by said city, shall be paid to the person entitled thereto.

#### PAVING AND IMPROVEMENTS.

Council,  
power to  
divide city  
into districts  
for paving,  
etc.

Property  
owner,  
adjacent,  
duty.

Property  
owner refusal  
to observe  
duties.

SEC. 8. The council shall have power to grade, pave, plank, gravel, curb and to otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city, and for that purpose and for defraying the expenses thereof, may divide the city into street districts. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing. Whenever any paving has been ordered upon any street or public highway in the city, it shall be the duty of any person owning any lot or lots, lands or premises adjoining to, or abutting upon such street, before the same shall be paved, to put in and lay all such sewer, water and gas connections in front of their lands and premises, and carry the same from the pipe in such street to and beyond the curb line of such proposed pavement as the council shall determine to be necessary for the preservation of such proposed paving, when the same shall be laid down, and such connection shall be laid, made, and put in in the manner and at the time or times as shall be directed by the council. In case the owner of such lot or lots, land or premises shall neglect or refuse to make, lay or put in such connections at the time or in the manner prescribed by the council, then the council shall cause the same to be made, laid and put in, and the respective owners of such lots, lands or premises shall be liable for the cost thereof, together with ten per cent in addition thereto as a penalty to be recovered by the city in an action of debt or assumpsit, or the costs together with the amount of such penalty for which such persons shall be respectively liable, the council shall cause to be reported to the board of special assessors, to be levied and assessed by them as a special tax or assessment upon such lot or lots, lands

or premises, in the same manner as provided in section four, chapter twenty of this act, in cases of special assessment for rebuilding and keeping in repair sidewalks of the city.

SEC. 9. Such part of the expenses of improving any street, lane or alley, by grading, paving, planking, graveling, curbing or otherwise, and of repairing the same as the council shall determine, may be paid from the general fund or from the street district fund of the proper street district, or in part from each; or the whole or such part of the expense of such improvement as the council shall determine, made be defrayed by special assessments upon lots and premises included in a special assessment district to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be, or constituted of lands fronting upon such improvement and such other lands as, in the opinion of the council, may be benefited by the improvement.

Expenses,  
payment of.

SEC. 10. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings, or other public buildings, or public grounds not taxable, fronting upon such improvement as, in the opinion of the council or board of assessors making a special assessment, would be justly apportionable to such public ground, buildings and city property and to any interior squares or spaces formed by the intersection of streets, were they taxable, such expense shall be paid from the general street fund, or from the proper street district fund, or partly from each as the council shall determine to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district in proportion to their number of feet frontage upon such improvement; or, if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

Non-taxable  
property, if  
taxable, what  
fund pro-  
portionate  
expense to  
come from.

Property  
irregular  
frontage,  
assessment of.

#### STREET REGULATIONS.

SEC. 11. The council shall have the power to prohibit and prevent obstructions and encumbrances in and encroachments upon the public highways, streets and alleys of the city, and to remove the same, and to punish those who shall obstruct, encumber, encroach or maintain any encroachments, upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, encumbrance and encroachment.

Streets,  
obstruction  
of, council to  
regulate.

Trees, lights,  
etc., council  
to provide.

SEC. 12 The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof; and may light the streets and public places and regulate the setting of lamps and lamp posts therein, and protect the same.

Street  
openings  
council to  
regulate.

SEC. 13. The council may regulate the making of all openings in and removals of the soil of public streets, and for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose, and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Stands,  
displays,  
signs, poles,  
etc., council  
to regulate.

SEC. 14. The council may regulate the use of the public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements and banners, awning posts and telegraph, telephone, light, power, street railway or other poles for the carrying of wires and wires in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets; and to prevent, prohibit, remove and abate all nuisances therein and to require the authors and maintainers thereof to remove the same and to punish them and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and, in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

Riding and  
driving,  
immoderate.

Live stock at  
large.

## CHAPTER XX.

### SIDEWALKS.

Control,  
maintenance,  
repair, etc.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city and may prescribe the grade thereof, and change the same when deemed



necessary. They shall have power to build, maintain and keep in repair sidewalks and cross walks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises and to keep them in repair at all times, and to construct and lay the same upon such lines and grades and of such width, materials, and manner of construction and within such time as the council shall, by ordinance or resolution, prescribe, the expense thereof to be paid by such owner or occupant; or the council may, by a two-thirds vote of all the aldermen elect, pay such part of the expense of building or rebuilding such walk as they may deem proper from the general street fund, or from the street district fund of any street district in which such walk may be located.

Property owners, duties.

Expense, council may pay part.

SEC. 3. The council shall also have power, either by ordinance or resolution, to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot or premises, and to keep the same free from obstructions, and encroachments, encumbrances, filth and other nuisances: *Provided*, That the council may, by a two-thirds vote of all the aldermen elect, provide by ordinance for the rebuilding, maintaining and keeping in repair of all sidewalks within the city, and for the removing of all ice and snow therefrom, and for keeping the same free from encumbrances, and pay the expense thereof from the general street fund or from the street district fund of any street district in which the same may be located.

Sidewalks, to keep free from snow, ice, etc.

Proviso.

SEC. 4. If the owner or occupant of any lot or premises shall fail to build, rebuild or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, encumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks within such time and in such manner as the council shall require, the council may cause the same to be done and such sidewalk to be built, rebuilt or repaired, and the expense or such part thereof as the council shall have determined shall be charged to such owner or occupant, and the council may cause the amount of such expenses incurred thereby for which such owner or occupant shall have become liable, together with a penalty of ten per cent in addition thereto, to be reported to the board of special assessors, to be levied by them as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalks, which special assessment shall

Failure to comply with act.

be subject to review, after proper notice is given as in all other cases of special assessments provided for by this act, and such tax when confirmed shall be a lien upon such lot or premises the same as other special assessments, and the council shall order the supervisor to spread such amount, together with such penalty, upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other city taxes, or the city may collect such amount together with the penalty aforesaid from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

Signs,  
awnings,  
sidewalk  
openings, to  
regulate.

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts and of other things upon or over sidewalks and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same; and to prevent and prohibit obstructions, encumbrances or other nuisances upon the walks.

## CHAPTER XXI.

### COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

Improvements,  
what funds  
to be paid  
from.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, namely: For city hall and other public buildings and offices for the use of the city officers, engine houses and structures for the fire department, for water-works, for lighting purposes, hospitals, quarantine grounds or pest-houses, market houses and spaces, cemeteries and parks, watch-houses, city prisons and work-houses shall be paid from the proper general funds of the city. When, by the provisions of this act, the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

Special  
benefits,  
assessment  
for.

Board of  
special  
assessors,  
who to  
constitute,  
duties, etc.

SEC. 2. There shall be a board of special assessors in said city, consisting of the supervisor and two other members, who shall be freeholders and electors in the city, to be appointed by the council. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, the council shall appoint some other person to act in his stead in making the assessment, who for the purposes of that assessment shall be a member of the board.

Member of  
board  
having special  
interests.

Improvement,  
council to  
declare by  
resolution.

SEC. 3. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or proportion of the expenses thereof shall

be paid by special assessment, and what part, if any, shall be appropriated from the general funds of the city, or from street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

SEC. 4. Before ordering any public improvements or repairs any part of the expense of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved and deposit the same with the city clerk for public examination, and it shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least in one of the newspapers of the city, and of the time when the council will meet and consider any suggestions or objections thereto. Unless a majority of the persons to be assessed shall petition therefor no such improvement or work shall be ordered, except by the concurrence of two-thirds of the aldermen elect.

Estimates,  
plats, etc.,  
to be made.

Notice,  
publication of.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed fifty per cent. of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding tax roll; any cost exceeding that per cent. which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

Costs of  
improvement,  
what to  
include.

SEC. 6. Special assessments to defray the estimated cost of any improvement shall be levied before the making of the improvement.

Assessments,  
when to be  
made.

SEC. 7. When any special assessment is to be made pro rata upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors and shall state therein the amount to be assessed and whether according to frontage or benefits, and describe or designate the lots and premises or locality constituting the district to be assessed.

Assessment to  
be made by  
assessors,  
directed by  
council.

SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment. In all cases where the ownership of any description is unknown to the board of assessors, they shall, in lieu of the name of the owner insert the name "Unknown," and if by mistake or otherwise, any person shall be improperly designated as the owner of any lot, parcel of

Assessment  
roll, assessors  
to make.

Ownership of  
property,  
when un-  
known.

land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner, such assessment shall not, for any such cause be vitiated, but shall in all respects be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and when the assessment roll shall have been confirmed, be a lien on such lot, parcel of land or premises, and collected as in other cases.

Assessment,  
according to  
frontage.

SEC. 9. If the assessment is required to be according to frontage, the board of assessors shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When the board shall have completed the assessment they shall report the same to the council; such report, to be signed by at least two of the assessors, may be in the form of a certificate, indorsed on the assessment roll, as follows:

Assessment  
according  
to benefits.

Report of  
assessment,  
form of.

State of Michigan, }  
City of Zeeland } ss.

To the council of the city of Zeeland:

We hereby certify and report that the foregoing is the special assessment roll, and the assessment made by us pursuant to a resolution of the council of said city, adopted (give date) for the purpose of paying that part of the cost which the council decided should be paid and borne by special assessment for the (here insert the object of the assessment); that in making such assessment we have, as near as may be, and according to our best judgment, conformed in all things to the directions contained in the resolution of the council hereinbefore referred to, and the charter of the city relating to such assessments.

Dated.....

.....  
.....  
.....

Board of Assessors.

Separate or  
single parcels  
of land,  
expense  
against,  
assessment of.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this act, the council is authorized to charge and collect as a special assessment

against the same, and not being of that class of special assessments required to be made pro rata upon the several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the council in such manner as they shall prescribe. And the provisions of the preceding sections of this chapter with reference to special assessments generally, and the proceedings necessary to be had before making the improvement shall not apply to assessments to cover the expenses incurred, in respect to that class of improvements contemplated in this section.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom and the premises upon which the same shall be levied as a special assessment and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith, respectively, to be reported by the city clerk to the board of assessors for assessment.

Expense,  
person against  
whom  
charged,  
council to  
determine.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll and levy as a special assessment therein, upon each lot or parcel of land so reported to them and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council.

Special  
assessment  
roll and  
assessment,  
board of  
assessors to  
make.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the city clerk and numbered consecutively. Before adopting such assessment, the council shall cause notice to be published two weeks at least in some newspaper of the city of the filing of the same with the city clerk and appointing a time when the council and board of assessors will meet to review said assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll and to all others interested therein and may be in the following form:

Special  
assessment,  
report of,  
filing and  
notice.

Objections.

#### NOTICE OF SPECIAL ASSESSMENT.

To (insert names of the persons against whom the assessment appears) and to all other persons interested, take notice:

Notice,  
form of.

That the roll of the special assessment heretofore made by the board of assessors for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given that the council and board of assessors of the city of Zeeland will meet at the council room in said city on (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Dated.....

.....City Clerk.

Assessment,  
review of,  
objections to,  
corrections,  
new  
assessment.

SEC. 14. At the time and place appointed for that purpose as aforesaid, the council and board of assessors shall meet and there or at some adjourned meeting review the assessment and shall hear any objections to any assessment, which may be made by any person deeming himself aggrieved thereby, and the council may correct said roll as to any assessment or description of premises appearing therein and may confirm it as reported, or as corrected or they may refer the assessment back to the board for revision, or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall make an endorsement upon the roll showing the date of confirmation.

Special  
assessment,  
confirmation  
of.  
Lien,  
assessments  
to constitute.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, except as herein otherwise provided, and shall be charged against the person to whom assessed until paid.

Assessment,  
division into  
installments;  
interest.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the council shall determine with annual interest at a rate not exceeding six per cent per annum, but the whole assessment after confirmation may be paid to the city treasurer at any time in full, with the proportionate interest thereon.

Assessments,  
payable on  
confirmation.

SEC. 18. All special assessments except such installments thereof as the council shall make payable at a future time as provided in the preceding section shall be due and payable upon confirmation.

Special  
assessment,  
division into  
installments,  
special rolls  
to be made.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due with the accrued interest upon all unpaid installments and the cost of making

such special assessment roll included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

SEC. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

Lands,  
division of,  
before  
collection of  
installments.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied and the expenses incident thereto the council may, within the limitations prescribed for such assessments, make an additional pro rata assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Special  
assessment,  
when  
insufficient.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises and the reassessment shall to that extent be deemed satisfied.

Special  
assessment,  
when invalid.

SEC. 23. No judgment or decree nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

Judgment  
vacating  
special  
assessment,  
not to  
destroy lien.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each and the name of the owner or occupant against whom the assessment was made and direct said supervisor to levy the several sums so assessed respectively. Upon receiving said report, the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in the tax roll

Special  
assessment,  
report and  
collection of.

next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said tax roll shall be collected and enforced with the other taxes in the tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the city treasury.

Special  
assessment,  
direct  
collection.

SEC. 25. When any special assessment shall be confirmed and be payable as hereinbefore provided, the council, instead of requiring the assessments to be reported to the supervisor, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom, and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of goods and chattels of such person and return said roll and warrant, together with his doings thereon within sixty days from the date of such warrant.

Assessment,  
refusal to pay,  
sale of  
property for.

SEC. 26. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment, for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Assessment  
roll, treasurer  
to make  
return of.

SEC. 27. The treasurer shall make return of said assessment roll and warrant to the city clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid the treasurer shall attach to his return a statement verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Warrant  
directing  
collection of  
assessment,  
may be  
renewed.

SEC. 28. Said warrant may be renewed from time to time by the city clerk if the council shall so direct, and for such time as they shall determine and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the city treasurer unpaid, as aforesaid, the same may be certified to the supervisor in the manner

Reassessment,  
when unpaid.



provided in section twenty-four of this chapter, and shall then be reassessed with interest included at the rate of ten per cent per annum from the date of the confirmation of the assessment until the first day of February then next, in the next tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Assessment,  
collection by  
suit.

Prima facie  
evidence.

SEC. 30. If, in any such action it shall appear that by reason of any irregularities or informalities the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Assessment,  
shown to be  
irregularly  
made.

SEC. 31. All depot grounds and buildings, road-beds, rights-of-way and other premises within the corporate limits of the city, belonging to any railroad operated by steam, electric or other power, or to any railroad corporation, which are necessarily used in the operating of said railroads and the person, company or corporation owning the same shall be liable for all valid unpaid assessments for local or public improvements or repairs hereafter made within the city and assessed against the same, but no lien shall attach thereon on account of such assessments, and the payment of such assessments shall not be enforced and collected by sale of said property. Special assessments of such classes of property shall be made in the same manner as the special assessment of other property under the provisions of this chapter for local or public improvements, and the assessment roll for such local or public improvement taxes shall be the prima facie evidence in any court of the regularity of all proceedings leading up to the assessment and the making of said roll.

Railroad  
property,  
special assess-  
ment of.

SEC. 32. All special assessments made as aforesaid against the property of railroad companies, and against the owners thereof, for local or public improvements, and all installments thereof, together with the interest, costs and charges thereon for enforcing the collection of the same are hereby made and declared legal demands against each and every one of said railroad or railway corporations or companies against whose property such special assessments are made in favor of the city of Zeeland, and if any such railroad or railway cor-

Railroad  
companies,  
refusal to  
pay assess-  
ment, action  
against.

porations or companies shall fail to make payment thereof within the time payment is required of such special assessments under the roll in which they are extended, then the city of Zeeland may institute an action in assumpsit or other proper legal action in any court of competent jurisdiction against the owner or owners of said properties, as provided in section twenty-nine of this chapter; and if judgment be rendered thereon in favor of the city of Zeeland the same may be collected on execution out of any property of said railway or railroad corporations or companies liable to levy and sale on execution.

## CHAPTER XXII.

### APPROPRIATION OF PRIVATE PROPERTY.

Purposes may  
be appro-  
priated for.

SECTION 1. Private property may be appropriated for public use in the city for the purpose of opening, widening, altering and extending streets, alleys, and avenues; for the construction of bridges, for public buildings and for other public structures; for public grounds, parks, market places and spaces and for the improvement of water-courses; for sewers, drains and ditches, for public hospitals, pesthouses, quarantine grounds and public cemeteries, and for other lawful and necessary public uses.

Acquiring,  
manner of.

SEC. 2. If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the city, either in the manner and with like effect as provided by the general laws of this State relating to the taking of private property for public use in cities and villages, or by instituting and prosecuting the proceedings for that purpose as hereinafter set forth.

Proceedings  
to acquire,  
instituting.

SEC. 3. Whenever the council shall have declared a public improvement to be necessary in the municipality, and shall have declared that they deem it necessary to take private property describing it, for such public improvement, designating it, and that the improvement is for the use or benefit of the public, they shall, by resolution, direct the city attorney to institute the necessary proceedings in behalf of the municipality, before such justice of the peace of the city as they may designate, to carry out the object of the resolution in regard to taking private property by the city for such public use.

Commence-  
ment of suit.

SEC. 4. The city clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file with such justice, in the name of the city, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the reso-

lution of the council shall be annexed, which certified copy shall be prima facie evidence of the action taken by the council, and of the passage of said resolution. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the council has declared such public improvement to be necessary and that they deem it necessary to take the private property described, in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things and may pray for any other or further relief to which the municipality may be entitled within the objects of this title.

Petition, what shall state.

Idem.

SEC. 5. Upon receiving such petition it shall be the duty of the said justice to issue a summons against the respondents named in such petition, stating briefly the object of said petition and commanding them, in the name of the people of the State of Michigan, to appear before said justice at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Summons, issuing of and commanding appearance.

SEC. 6. Said summons shall be served by the sheriff or any constable of the city, at least five days before the return day thereof, upon the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian, the justice may appoint a discreet and proper person to be guardian ad litem of such person in such proceedings, and such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident and has not voluntarily ap-

Summons, service of.

Guardian, service on.

Respondent, inability to find.

Summons,  
alias and  
pluries, ad-  
jourment,  
etc.

peared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance and require, as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued, and the justice may adjourn the proceedings from time to time, as there shall be occasion, and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for appearance, if any, shall be filed with such justice before a jury shall be impaneled, and be sufficient evidence of service on the respondents and of the manner of service.

Jury,  
impaneling of,  
who to com-  
pose, how  
selected, etc.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the justice shall make an order that a jury be impaneled in the case. Such jury shall be composed of twelve freeholders of the municipality and shall be selected and impaneled as follows: The sheriff or any constable of such city shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of the city, and the city attorney and the respondents collectively shall each have the right to strike six names from the list of persons written down as aforesaid, and, subject to objection for cause, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at not less than three nor more than ten days from the date of selecting such jury, by a venire issued by him and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the justice, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer and the practice and proceedings under this chapter, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the

Respondents,  
refusal of  
to aid in  
selecting jury.

practice and proceedings of justice courts relative to jurors in civil cases in such courts, except that peremptory challenges shall not be allowed.

SEC. 8. The jurors so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement and to take such property, that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to the law and evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and, upon or as near as practicable to the property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the justice and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by the foreman, or by all jurors.

Jurors,  
swearing of,  
form of oath.

Duties of.

SEC. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists they shall separately award to the owners of such property, and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

Verdict of  
jury.

Mortgage, etc.,  
procedure  
when  
property is  
subject to.

SEC. 10. To assist the jury in arriving at their verdict, the justice may allow the jury, when they retire, to take with them the petition filed in the case, and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken, and may also submit to them a blank verdict which may be as follows:

Jury,  
assistance to,  
in reaching  
verdict.

Form of  
verdict.

#### PART I.

We find it is ..... necessary to take the private property described in the petition in this cause, for the use and benefit of the public, for the proposed public improvement.

## PART II.

Form for  
compensation  
to be  
awarded.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the justice, before it is submitted to the jury, or it may be done by the jury.

Amendments,  
permitting  
incorporation  
of, in papers,  
etc.

SEC. 11. Amendments, either in form or substance, may be allowed in any paper, petition, process, record or proceeding or in the description of property proposed to be taken, or the name of any person, whether contained in the resolution passed by the council, or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

Judgment,  
entering of,  
determining  
awards on  
application.

SEC. 12. Upon filing the report and award made by any jury with said justice, he shall enter it upon the docket of his proceedings, and a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time hereinafter provided.

Application  
and confir-  
mation,  
neglect to  
make.

Jury, dis-  
agreement of.

SEC. 13. If such jury should be unable to agree upon a verdict, or for any cause should fail to render a verdict, said

justice shall, on the application of the city attorney, designate some day and hour when another jury may be impaneled; and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualification, be sworn, and, when sworn, have the same powers and duties as the first jury. The same proceedings, after they are sworn, shall be had by them, and by and before said justice, or some other justice in said city, as provided for above after the first jury is sworn.

SEC. 14. If any juror, after being sworn, and before the hearing shall have been commenced, shall die, or from sickness or any other cause, be unable to discharge his duties as a juror, said justice may draw another person to serve in his place, who shall be sworn and shall have the like qualifications, powers and duties as those already sworn. Juror, death of, sickness, inability.

SEC. 15. Any party aggrieved by the judgment of confirmation hereinbefore mentioned may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal, in writing, under oath, in which he shall set forth a description of the land in which he claims an interest, and a statement that he considers himself aggrieved by the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal. Appeal, right of.

SEC. 16. Within ten days after taking such appeal said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and file the same with the clerk of such circuit court. Justice, duty of, when appeal is taken.

SEC. 17. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the case. The parties may proceed to trial by jury without reference to any term of court, upon all questions involved in such proceeding, and the verdict or finding of the jury shall be conclusive. The appeal of one or more persons interested in any judgment or confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal. The jurors for the trial of such cause in the circuit court shall be impaneled and summoned and be possessed of like qualifications, and be sworn, and render their verdict in like manner, and the proceedings and practice in the trial of the cause shall be the same as is provided in sections six, seven, eight and nine of act number one hundred eighty-three, entitled, "An act to authorize cities and Circuit court, jurisdiction of.

Jurors in circuit court, summoning of, etc.

villages to take private property for the use or benefit of the public," etc., approved May thirty-one, eighteen hundred eighty-three, as amended.

Judgment,  
in circuit  
court, con-  
firmation of.

SEC. 18. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and rights of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least fifty dollars more than the amount awarded to him before the justice, he shall pay costs to the city; otherwise the court shall award such costs to him or to the city as shall be just.

Judgment,  
recording,  
finding of  
jury as to.

SEC. 19. It shall be the duty of the city clerk to procure copies of any judgment or confirmation of the circuit court or of the justice of the peace after the same has become final, as well as of the report and findings of the jury, and the same shall be recorded in a book of records to be kept by him, and the docket of such justice, or the judgment of said court, as well as the book of records of such proceedings kept by said clerk, or certified copies thereof, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm same.

Collection of  
sums awarded  
by jury.

SEC. 20. When the verdict of the jury shall have been finally confirmed by the justice and the time in which to take an appeal has expired, or, if an appeal is taken and the judgment has been confirmed, thereupon the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the council believes that a portion of the city in the vicinity of the proposed improvement will be benefited by such improvement, it may, by an entry in its minutes, determine that the whole or any just portion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon it shall, by resolution, fix and determine the district or portion of the city benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in this act for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the council, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is

Compensation  
awarded,  
property  
owners  
benefited,  
may be  
assessed for  
part of.



made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided, shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof delinquent for non-payment of the amount assessed and levied thereon, the city may become a purchaser.

Compensation awarded, portion paid by municipality.

SEC. 21. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be confirmed, the council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall, in the resolution setting apart and providing said sum, if not already provided, direct the city to pay to the persons respectively entitled to the moneys so set apart and provided, to each his or her portion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The council may provide the necessary amount by borrowing from any other money or fund in the treasury and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the justice before whom such proceedings were had, or his successor, or in case an appeal has been had, then in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk, which certificate shall be prima facie evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid, the council may enter upon and take possession of and use such private property for the purpose for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the council or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the council, by the city attorney, may apply to the court, and shall be entitled, on making a sufficient

Compensation awarded, time within which to pay.

Compensation awarded, may borrow from various funds to pay.

Possession of property, time when may take.

Resistance to possession.

Fees and compensation for officers, jurors, etc.

showing, to a writ of assistance to put them in possession of the property.

SEC. 22. Officers, jurors and witnesses, in any proceedings under this chapter, shall be entitled to receive the same fees and compensation as are provided by law for similar services in an ordinary action at law in the justice courts of this State, and in cases of appeals the same fees and compensation as are provided by law for similar services in circuit courts.

Owners of property and persons interested, prima facie evidence who are.

SEC. 23. It shall be prima facie evidence as to who are the owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of, and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be prima facie evidence as to ownership, and persons having an interest in any such property, and the extent and nature of such interest.

Building or structure on property, sale of, etc.

SEC. 24. In case there is on the private property taken a building or other structure, the same shall be sold by or under the direction of the council; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment made to pay for the property taken.

Private property for public use, nothing to prevent obtaining.

SEC. 25. Nothing in this chapter contained shall prevent the city from obtaining private property for any of the public uses herein specified by negotiation and purchase.

## CHAPTER XXIII.

### WATER-WORKS.

Waterworks, to construct and maintain and to supply pure water.

SECTION 1. The city of Zeeland shall have authority to purchase or construct new and to maintain and extend existing water-works for the introduction of water into the city, and supplying the same and the inhabitants thereof with pure and wholesome water for the ordinary and extraordinary uses of the inhabitants thereof, the extinguishment of fires and for such other purposes as the council may prescribe.

Authority to purchase, acquire, etc., such land, buildings, etc., necessary.

SEC. 2. The city may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction and maintenance of such water-works.

SEC. 3. It shall be lawful for the city, subject to the provisions of this act, to borrow any sum of money not exceeding five per cent of the assessed value of the property in said city, as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing or extending water-works, as provided in the two preceding sections. The council shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: *Provided*, That the total amount expended for constructing, purchasing, or extending such water-works shall not exceed the estimate of expense provided for in section four of this chapter.

Money,  
lawful to  
borrow.

Proviso.

SEC. 4. Before any money shall be borrowed, appropriated, raised or expended for the purchase, construction or extension of water-works in the city, the council shall make or cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide: *Provided, however*, That after water-works have been purchased or constructed by such city the council may then raise and expend, in making repairs or alterations, or in extending such works, such sum as they may see fit, without submitting the question to the electors of the city, but the sum to be raised for such purpose shall be included in and shall not increase the total amount which, by the provisions of section five, chapter twenty-six of this act the council is authorized to raise.

Expense,  
estimate of,  
to be made,  
submission to  
electors.

Proviso.

SEC. 5. The connecting or supplying pipes leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the council. All such connecting or supplying pipes shall be constructed in the manner prescribed by the council.

Connecting or  
supplying  
pipes, con-  
struction and  
repair of.

SEC. 6. The council may annually, on or before the first Monday in June, establish a scale of rates to be charged and paid for supply of water for the year next ensuing, to be called water rates, which rates shall be appropriated to different classes of buildings in the city, with reference to their dimensions, value, exposure to fires, ordinary and extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns and all other buildings, establishments and trades, yards, number of families or occupants or consumption of water, as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rates.

Rates.

Care, preservation, control etc.

SEC. 7. The council may enact such ordinances and adopt resolutions as may be necessary for the care, protection, preservation and control of the water-works and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter and the powers herein conferred in respect to the construction, management and control of such water-works.

Corporate limits, may be constructed beyond.

SEC. 8. When the council shall deem it for the public interest, such water-works may be purchased, or may be constructed and maintained beyond the corporate limits of the city; and in such case the council shall have authority to enforce beyond the corporate limits of the city, within the county of Ottawa, and over the buildings, machinery and other property belonging to and connected with such water-works, in the same manner and to the same extent as if they, or it, were within the city, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

Conduits, pipes, etc., right to lay.

SEC. 9. For the purpose of operating, constructing, maintaining or extending such water-works, the city shall have the right to lay conduits, pipes, aqueducts or other necessary works over and under any water course, or under and along any street, alley, lane, turnpike, road, railroad or highway within the city, but not in such manner as to obstruct the same or impede or prevent travel thereon; and the city authorities may at all times enter upon and dig up such street, alley, road or highway to lay pipes thereon, or to construct works beneath the surface thereof, but they shall cause the surface of such street, alley, road or highway to be relaid, and restored to its usual state, and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

Private property, appropriation of.

SEC. 10. If it shall be necessary, in the judgment of the council, to appropriate private property either within or without the city for the construction and maintenance or for the due operation of water-works, the right to occupy and hold the same and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

Individuals or private corporations, may contract with for water supply.

SEC. 11. The council may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of the city and the inhabitants thereof with water upon such terms and conditions as may be agreed, and may grant to such person, persons or corporation, the right to the use of the streets, alleys, wharves, and public grounds of the city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supply of water for the use of the city and the inhabitants

thereof upon such terms and conditions as shall be specified in such contracts.

## CHAPTER XXIV.

### LIGHTING.

**SECTION 1.** It shall be lawful for the city of Zeeland to acquire by purchase or to construct, operate and maintain either independently or in connection with the water-works of the city, either within or without the city, works for the purpose of supplying the city and the inhabitants thereof, or either, with gas, electric or other lights at such times and on such terms and conditions as hereinafter provided.

Lighting plant  
authority to  
construct or  
purchase.

**SEC. 2.** Whenever the council of the city shall, by resolution, declare that it is expedient for the city to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying the city and the inhabitants thereof, or either, with gas, electric or other lights, then the council shall have power to take such action as shall be deemed expedient to accomplish such purpose.

Council,  
powers of,  
relative to.

**SEC. 3.** In case the council shall declare that it is expedient for the city to acquire by purchase or to construct as the case may be, works for the purpose of supplying the city and the inhabitants thereof, or either, with electric or other lights, then the council shall cause to be made and recorded in their proceedings an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide.

Expense,  
estimate of  
to be made,  
submission to  
electors.

**SEC. 4.** It shall be lawful for the city to borrow any sum of money not exceeding five per cent of the assessed value of the property in said city as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining such lighting works as provided in the preceding sections of this chapter. The council shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rates of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: *Provided*, That the total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expense thereof provided for in section three of this chapter.

Money, lawful  
to borrow.

**SEC. 5.** After lighting works have been purchased or constructed as aforesaid, in the city, the council may then raise and expend in making repairs or alterations, or in extending

Proviso.

Repairs or  
extension of,  
authority for.

such works, such sum as it may deem advisable without submitting the question to the electors of the city; but the sum to be so raised in any one year shall be included in and shall not increase the total amount which by the provisions of section five of chapter twenty-six of this act the council is authorized to raise.

Rates.

SEC. 6. The council shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of said city with lights and shall annually on the first Monday in June fix such rates for the year next ensuing.

Private property, appropriation of.

SEC. 7. If it shall be necessary in the judgment of the council to appropriate private property either within or without the city for the construction and maintenance or for the due operation of lighting works the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

Individuals or private corporations, may furnish light.

SEC. 8. The council may contract from year to year, or for a period of time not exceeding ten years with any person or persons, or with any duly authorized corporation, for the supplying of the city or the inhabitants thereof, or both, with gas, electric or other lights upon such terms and conditions as may be agreed; and may grant to such person, persons or corporation the right to the use of the streets, alleys, wharves and public grounds of the city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such light upon such terms and conditions as shall be specified in such contract.

Care, protection, etc., of.

SEC. 9. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the erection, purchase, management and control of such works.

## CHAPTER XXV.

### FIRE DEPARTMENT.

Fire department, authority to establish and maintain.

SECTION 1. The council of the city shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regula-

tions for the government of the department, the employes, firemen and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department; and prescribing the powers and duties of such employes, firemen and officers.

SEC. 2. The council may purchase and provide suitable fire engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

Apparatus,  
engines, etc.;  
sinking wells,  
constructing  
cisterns, etc.;  
provisions for.

SEC. 3. The council may also provide for or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department.

Buildings.

SEC. 4. The chief of the department, subject to the direction of the mayor, shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council may prescribe. And the council may appoint such assistant chiefs and other officers of the department as may be necessary.

Chief of  
department.

Assistants.

SEC. 5. The chief of the fire department or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of any such officer he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment in the discretion of the court.

Chief of de-  
partment,  
may com-  
mand aid.

Refusal.

SEC. 6. The council may provide by ordinance for the appointment of, and may appoint such number of fire wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus and devices in all dwellings, buildings and structures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

Fire wardens,  
appointment  
of, duties.

SEC. 7. The council may prescribe by ordinance from time to time, limits of districts within the city, within which wooden buildings and structures shall be erected, placed, enlarged or repaired; and to direct the manner of constructing buildings within such districts, with respect to protection against fire and the material of which the outer walls and roofs shall be constructed. The council may provide by ordinance for proper fire escapes on buildings and compel the owners or occupants thereof to construct and maintain the same.

Wooden  
buildings,  
districts  
within which  
may be  
constructed.

Certain shops,  
trades, busi-  
nesses, etc.,  
may be  
prohibited.

SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops, the prosecution of any trade or business; the keeping of lumber yards, and storing of lumber, wood or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances and the use of lights in buildings; and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

Ordinance,  
buildings,  
erected in  
violation of.

SEC. 9. Every building or structure which may be erected, placed, enlarged, repaired or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

Officers,  
firemen, and  
employees,  
compensation.

SEC. 10. The officers, firemen and employees of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

Buildings,  
tearing down  
or destroying  
during fire.

SEC. 11. The chief in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire. Whenever any building is so pulled down or destroyed, any person having an interest in such building may present his claim for damages to the council of the city, and it shall thereupon be the duty of the council to pay such claimant such damages as may be just under all the circumstances, taking into consideration the fact whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed, and whether the same was insured or not. If the council and such claimant shall not be able to agree upon the amount of damages to be paid such claimant then the amount of such damages shall be ascertained by the appraisal of a jury to be selected in the same manner as in cases of juries to appraise damages for taking private property for public use. Such jury may visit the premises and hear all the proofs in the case, and shall allow such claimant such amount of damages as they may deem proper under all the circumstances, as above stated. If such jury shall not be able to agree, a new jury shall be impaneled as above provided, until a jury has been obtained that shall agree; and the city shall pay such claimant the amount of damages fixed by such jury. There shall be no appeal from the verdict of such jury, either by the city or any claimant.

Claim for  
damages.

Value, dis-  
agreement as  
to.



## CHAPTER XXVI.

## FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city shall commence on the first Monday of March of each year, unless otherwise provided for by ordinance. Fiscal year.

SEC. 2. The council shall have authority, within the limitations herein prescribed, to raise annually by taxation within the corporation such sum of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this act granted. Expenses and liabilities of city.

SEC. 3. The revenues raised by general tax upon all the property in the city or by loan to be repaid by such tax shall be divided into so many of the following general funds as are necessary: Revenues raised by general tax, division of.

First, General fund, to defray the contingent and other expenses of the city for the payment of which from some other fund no provision is made; General fund.

Second, Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city; Fire department.

Third, General street fund, to defray the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds, and for grading, paving, curbing, graveling, and otherwise improving, repairing and clearing the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and cross walks, and for the care thereof; General street.

Fourth, General sewer fund, to defray the expenses of sewers, drains, ditches, and drainage and the improvement of water courses; General sewer.

Fifth, Bridge fund, for the construction and maintenance of bridges; Bridge.

Sixth, Water fund, for maintaining and extending a system of water-works, and for constructing reservoirs and cisterns, and providing other supplies of water; Water.

Seventh, Public building fund, for providing for public buildings and for the purchase of lands therefor, and for the erection, preservation and repair of such public buildings, city hall, offices, prisons, watch-houses and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for; Public building.

Eighth, Police fund, for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city; Police.

Ninth, Cemetery fund; Cemetery.

Tenth, Interest and sinking fund, for the payment of public debts of the city and the interest thereon; Interest and sinking.

- Park.** Eleventh, Park fund, for the purchase of grounds for public grounds, for public parks and the maintenance and improvement thereof;
- Light.** Twelfth, Light fund, for the construction, purchase and maintenance of electric or other lights;
- Library.** Thirteenth, Library fund, for the maintenance and extension of the public library;
- Other.** Fourteenth, Such other funds as the council may, from time to time constitute.
- Revenues raised by special taxes division of.** SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds: .
- Street fund.** First, A street fund, for each street district, for defraying the expenses of grading, improving, repairing and working upon the street therein, and for the payment of all street expenses, which the council shall charge upon the street district;
- District sewer.** Second, A district sewer fund, for each main sewer district, for the payment of the costs and expenses of sewers and drainage in and chargeable to the main sewer district, when the city shall be divided into such districts;
- Special assessment.** Third, Special assessment funds, any money raised by special assessment levied in any special assessment district or special sewer district to defray the expenses of any work, paving, improving, sprinkling, repairs or drainage therein, shall constitute a special fund for the purpose for which it was raised.
- General tax, not to exceed.** SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted, exclusive of taxes for schools and school house purposes, shall not, except as herein otherwise provided, exceed in one year, one and one-fourth per cent.
- Street district fund not to exceed.** SEC. 6. The council may also raise by tax in each street district for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-fourth of one per cent on the assessed value of the taxable real and personal property in the district.
- District sewer and special assessment funds not to exceed.** SEC. 7. In addition to the above amounts, the council may raise by special assessment in sewer districts and special assessment districts, for the purpose of grading, paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds are constituted, such sums as they may deem necessary, but not exceeding in

any one year five per cent on the assessed value of the property in the sewer district, or special assessment district, as the case may be, as shown by the last preceding assessment roll of the city.

SEC. 8. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer. Private drain or sewer fund, tax not to exceed.

SEC. 9. The council may also raise such further sum annually, not exceeding three mills on the dollar, of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon. Interest and sinking fund tax not to exceed.

SEC. 10. It shall be the duty of the council to cause estimates to be made in the month of September in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also to estimate the amounts that will be required to be expended from street district funds during said next fiscal year, in working upon, improving and repairing the streets in the several street districts of the city. Expenditures from general funds, estimate to be made.

SEC. 11. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year, also the amount or part of any special assessment which they require to be levied or reassessed in the next general tax rolls of the city upon lands in any main sewer or special assessment district or upon any parcel of land, or against any particular person as a special assessment. Deficiencies, special assessments in main sewer or special assessment districts.

SEC. 12. The council shall also in the said month of September pass an ordinance, to be termed the annual appropriation bill, in which they shall make provisions for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds, and from the street district funds as estimated and determined upon, as provided for in section ten of this chapter, and order the same, or so much of such amounts as may be necessary to be raised by tax with the next general tax levy, or by loans, or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six and nine of this chapter, to Annual appropriation bill.

Amount not to exceed.

Objects and purposes.

Deficiencies, special assessments, sums to meet.

All sums to be certified to supervisor.

Additional sums not to be appropriated.

Repairs may be made in emergency.

Improvement work, repairs, etc., not to be made unless provided for.

Work or improvement not to exceed.

raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or reassessed with the next general tax, as mentioned in section eleven of this chapter, and the disposition to be made of such moneys, and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year to be paid for in whole or in part by special assessments and the estimated cost thereof.

SEC. 13. All sums ordered in the annual appropriation bill, in any year, to be raised for the several general funds and all sums ordered in said bill to be levied or reassessed in street or sewer districts, or as special assessments shall be certified to the supervisor of the city as provided for in chapter twenty-seven, and all such sums shall be levied and collected as in said chapter twenty-seven provided.

SEC. 14. After the passage of the annual appropriation bill, no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a two-thirds vote of the electors voting upon the proposition at the next annual city election or at any special election called for that purpose. But this section shall not prohibit the council from making any necessary repairs or expenditures at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year or such necessity arising from an existing, evident and impending danger, and from borrowing the money therefor.

SEC. 15. No improvement, work, repairs or expense, to be paid for out of any general fund, shall be ordered, commenced or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill, nor shall any expenditure be made or liability be incurred, in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general or street district fund, for any purpose, unless appropriated for that purpose in said bill.

SEC. 16. No work or improvement to be paid for by special assessment costing more than three thousand dollars, shall be ordered, commenced or contracted for; nor shall any assessment be levied therefor, in any year, unless the inten-

tion to make such improvement or expenditure and to defray the cost thereof by special assessment, was set forth in the last preceding annual appropriation bill.

SEC. 17. No public work, improvement or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the costs and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax issued in anticipation of the collection of said tax.

Public work, improvement or expenditure not to be made until tax levied.

SEC. 18. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year, for the purpose of the general or street district funds, the council may, in its discretion, raise part thereof by tax and part thereof by loan: *Provided*, That the aggregate amount of taxes and loans so raised and made shall not exceed the amount for which a tax might be levied for the same year.

Amount authorized, part raised by tax, part by loan.

Proviso.

SEC. 19. The council shall also have authority to raise moneys by loan in anticipation of the receipt from special assessments for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Loans, authority to raise money by.

SEC. 20. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by two-thirds of the electors voting upon the question at an annual city election or special election called for that purpose. The amount that may be voted or raised in any year under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding tax roll made therein.

Additional appropriations or loans, electors may authorize.

Amount not to exceed.

SEC. 21. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed, and published in one or more newspapers of the city, and copies thereof posted in five of the most public places in the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Submission of question, to electors.

SEC. 22. All moneys and taxes raised, loaned or appropriated for the purpose of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or applied to any purpose

Additional monies raised, credited to particular fund.

Surplus, what disposal of.

for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they may deem proper. Moneys not received or appropriated for any particular fund shall be credited to the general fund.

Money not to be drawn except by authority.

SEC. 23. No money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council and upon which it is payable and shall be paid from no other fund.

Exhausted fund, warrant not to be issued on.

SEC. 24. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred and payable from such fund, are sufficient to exhaust it. Any warrant, draft or contract, payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

Loans, not to exceed accounts prescribed.

SEC. 25. No loans shall be made by the council, or by its authority, in any year exceeding the amounts prescribed by this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest. A record showing the dates, numbers and amounts of all bonds issued, and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs and from what fund it is payable.

Auditing and settlement of all accounts to be made.

SEC. 26. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the amounts also as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which said statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessment and the amount collected on each; and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city

for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

SEC. 27. Said statement signed by the mayor and the clerk shall be filed in the office of the city clerk, and a copy thereof published in one of the newspapers of the city. Statement, filing and publishing of copy.

SEC. 28. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall directly or indirectly and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of wilful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and, on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court. Misappropriation of funds, punishment for.

SEC. 29. Every bond issued by the city shall be made payable within thirty years from the date of issue, and shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of raising money for any public improvement, the particular public improvement shall also be specified on the face of such bond, and it shall be unlawful for any officer of such city to sign or issue any such bond without such matters are set forth on the face of the same as aforesaid, or to use such bonds or the proceeds from the sale thereof, for any other object than that mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment in the discretion of the court. Bonds, time within which payable and statement of object for which issued.

## CHAPTER XXVII.

### ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The supervisor of the city shall in each year, make and complete an assessment of all the real and personal property within the city liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property in the townships of the State, and in so doing he shall conform to the provisions of law governing the action of supervisors of townships, performing like services, and in all other respects Assessment of property to be made.

he shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

Exemption,  
claiming  
falsely.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein on the ground that he or she has a residence and is taxed or liable to taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof unless such person shall present to the treasurer, or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, also by the affidavit of the person charged with the tax, showing that such person has paid the tax upon all of the same property for the same year to such other collector or receiver of taxes.

Personal  
property.

SEC. 3. All personal property found in the city may be assessed therein, whether the owner thereof resides in the city or elsewhere.

Board of  
equalization  
and review,  
who to con-  
stitute, duties,  
etc.

SEC. 4. The supervisor of the city and two electors of the city, to be appointed by the council shall constitute a board of equalization and review of the general assessment roll of the city. They shall have power, and it shall be their duty to examine such assessment roll and they shall have authority to, and shall correct any errors or deficiencies found therein either as to the names, valuations or descriptions; and of their own motion or on cause shown, may reduce or increase the valuation of any property found on said roll, and to add thereto any taxable property in said city that may have been omitted, and to value the same; and to strike from said rolls any property wrongfully thereon, and generally to perfect said rolls in any respect by said board deemed necessary and proper, for which services such members of such board shall receive three dollars per day while actually employed.

Board of  
equalization  
and review,  
time of  
meeting,  
notice, etc.

SEC. 5. The said board shall meet on the third Monday in May in each year at the council rooms in such city at nine o'clock in the forenoon at which time and place notice shall be given by the clerk at least two weeks prior to the time of meeting, by publishing a notice thereof in one or more of the newspapers of said city and also by posting the same in three public places of the city, at which time and place the supervisor shall submit to said board his assessment roll. They shall select one of their members as chairman and shall continue in session at least two days successively, and as much longer as may be necessary to complete the review and at least six hours in each day, during said two days or more; and any person or persons desiring so to do, may examine

Chairman,  
election of  
and length of  
session.



his, her or their assessment on said rolls, and may show cause, if any exists, why the valuation thereof should be changed and the said board shall decide the same and their decision shall be final. They may examine on oath any person touching the matter of his or her assessment, and the chairman or any member of said board may administer oaths. They shall keep a record of their proceedings, and all changes made in said roll, and the amount added to or deducted from the total valuation shall be entered upon such record, which record shall be deposited with the city clerk who shall be clerk of said board. The decision of a majority of the members of said board upon all questions shall govern. The roll as prepared by the supervisor shall stand as approved and adopted as the act of the board of review, except as changed as herein provided. Said board shall have the same power and perform the same duties in all respects as boards of review of townships in reviewing and correcting assessments made by supervisors of townships, except as in this act otherwise provided. After said board of review shall have completed the revision of said roll the clerk shall indorse and sign a statement upon each roll to the effect that the same is the general assessment roll of the city, for the year in which it has been prepared, as approved by the board of review. Such statement may be in the following form, viz.:

Record of proceedings.

Assessment roll, approval of.

General assessment roll, statement of.

Form of statement.

State of Michigan, }  
City of Zeeland } ss.

Assessment roll for the city of Zeeland, for the year 19..,  
as approved by the board of review.

Dated.....

.....  
.....  
.....

Board of Review.

Upon the completion of such roll and its indorsement in manner aforesaid, it shall be returned to the supervisor, and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes mentioned in the general laws of the State, relating to the assessment of property and the levy and collection of taxes thereon. The omission of such indorsement, however, shall not affect the validity of any such roll.

Return to supervisor.

SEC. 6. Within sixty days after the confirmation of such roll, as above provided, the supervisor shall deliver a certified copy of his assessment roll to the city clerk, to be filed in his office for the use of the council.

Certified copy.

SEC. 7. On or before the first day of October in each year the city clerk shall certify to the supervisor a certified copy of all statements and certificates on file and of all records of any vote or resolution in his office authorizing or directing

Statements, etc., authorizing raising of money, certification of, delivery, etc.

moneys to be raised therein by taxation for city, school and all other purposes together with the statement of the aggregate amount thereof, and such certified copy shall by such supervisor, be delivered to the clerk of Ottawa county on or before the second Monday in said month and the same shall by said clerk be laid before the board of supervisors at its annual meeting and filed in his office.

Examination  
of statements,  
certificates,  
etc.

SEC. 8. The board of supervisors at their annual session in each year shall examine all such certificates, statements, papers and records submitted to them showing the money to be raised in the city of Zeeland for city, school and all other purposes as mentioned in section seven. They shall direct that such of the several amounts of money proposed to be raised for city, school and all other purposes, as shall be authorized by law be spread upon the assessment roll of the city of Zeeland. The clerk of said board of supervisors shall immediately thereafter certify to the supervisor of the city of Zeeland the amounts so directed to be spread upon the city assessment roll for the various purposes above mentioned.

Special  
assessment  
district, cer-  
tification of  
amounts to be  
assessed.

SEC. 9. On or before the first day of October of each year, the city shall certify to the supervisor of the city for assessment therein, all amounts which the council requires to be assessed or reassessed in any street district, main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person, as a special assessment or otherwise within his district, together with the designation of the district or description of the land or person upon whom or within which the several sums are to be assessed or reassessed with such further descriptions and directions as will enable such supervisor to assess the several amounts upon the property and persons chargeable therewith.

Supervisor to  
levy amounts  
certified at  
certain time.

SEC. 10. The supervisor at the time of levying State and county taxes for the year shall levy in the same roll, upon all the taxable property in the city the amounts certified to him by the clerk of the board of supervisors, as provided in section eight of this chapter, to be raised for city, school and library purposes, placing the city taxes in one column, and the school, library and school house taxes in another column, and he shall also levy, in the same roll, upon the lands, property and persons chargeable therewith, all special assessments and sums reported to him by the city clerk as provided in section nine of this chapter or in chapter twenty-six of this act, for assessment or reassessment, in street districts, main or special sewer districts or for other special assessments, placing all such taxes in a column of special assessments and shall place the State and county taxes in other columns. The amount of the several taxes so levied upon each valuation shall be carried to another column and the collection fee of five per cent on the tax entered in another column, and the aggregate of taxes and fees shall be carried into the last column of the roll.

SEC. 11. The supervisor upon completing his roll shall certify to the city clerk the amounts of taxes levied in the roll for State and county purposes and for city and school taxes, special assessments and other purposes, and for collection fees; and the clerk shall charge the said amounts to the city treasurer. The city treasurer shall give bonds to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December the supervisor shall deliver a certified copy of the tax roll with the taxes extended therein as aforesaid to the city treasurer, with his warrant for the collection of the taxes therein annexed thereto.

Supervisor to  
certify taxes  
levied.

SEC. 12. The warrant annexed to such roll shall state the several amounts levied therein to be paid in to the city and county treasuries respectively; and shall command the city treasurer to collect from the several persons named in said roll the several sums named in the last column thereof opposite their respective names, remitting upon all taxes paid before the tenth day of January next thereafter the percentage added for collection fees, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed on or before the first day of March then next ensuing, and the warrant shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons.

Supervisors  
warrant,  
what shall  
state.

SEC. 13. All taxes levied in the city tax roll shall be and remain a lien upon the lands upon which they are levied until paid.

Taxes to be a  
lien.

SEC. 14. Upon receiving the tax roll as above provided, the city treasurer shall give notice immediately to the taxpayers of the city that such roll has been delivered to him and that the taxes therein levied can be paid to him at his office at any time before the tenth day of January then next ensuing without any charge for collection; but that five per cent collection fees will be charged and collected upon all taxes remaining unpaid on said tenth day of January. Said notice shall be given by publishing the same twice in one or more of the newspapers of the city and by posting copies thereof in three public places in the city; and it shall be the duty of the treasurer to be in his office at such times, previous to the said tenth day of January, as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall remit the collection fees upon all taxes paid to him before the said tenth day of January, but in all other cases he shall collect both the tax and the percentage for collection added in the roll. All such percentage for fees collected by him shall be paid into the city treasury to the credit of the general fund. The treasurer shall, on or before the tenth day of January of each year, make and file with the city clerk a sworn statement, setting forth the total amount of taxes collected by him on the tax roll of the

City treasurer,  
notice of  
delivery of  
roll; pay  
taxes to.

Collection fee.

Publication of  
notice.

Collection  
fees, remission  
of.

Treasurer to  
file sworn  
statement of  
taxes.

city prior to the tenth day of January and also the total amount remaining unpaid at such date.

Unpaid taxes,  
collection of.

SEC. 15. For the collection of all taxes remaining unpaid on the tenth day of January, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the power and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.

New warrants  
for collection  
of taxes.

SEC. 16. The county treasurer may issue new warrants to the city treasurer for the collection of taxes in the same manner and in the same cases, and with the same effect, as such new warrant may be issued to township treasurers. The city collector may, and it shall be his duty to proceed by suit in the name of the city for the collection of unpaid taxes, in the same cases, and under like circumstances in which township treasurers are authorized to proceed in that manner and all the provisions of law applicable to suits and evidence therein brought by township treasurers in the name of their township for such purposes, shall apply to suits brought by the city treasurer as aforesaid.

Unpaid taxes,  
enforcement  
of collection  
by suit.

Assessment  
and collection  
of taxes, city  
to be consid-  
ered as  
township.

SEC. 17. For the purpose of assessing and levying the taxes in said city for State, county, school and library purposes, the city shall be considered the same as a township and all the provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the supervisor in the city, except as herein otherwise provided. For the purpose of collecting taxes and return property for non-payment thereof the city treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

Delinquent  
taxes, pay-  
ment by city  
to county  
treasurer;  
sale of delin-  
quent tax  
lands.

SEC. 18. The city treasurer shall, within one week after the time specified and directed in the warrant annexed to said tax roll, pay to the county treasurer the sums required in said warrant to be so paid either in delinquent taxes or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned, shall be sold therefor the same as land returned for delinquent taxes by township treasurers.

Townships,  
law respecting  
delinquent  
taxes levied  
in.

SEC. 19. All the provisions of law, respecting delinquent taxes levied in townships shall apply to all taxes levied in the city and be returned as delinquent to the county treasurer, and the city, in respect to taxes levied therein and returned to the county treasurer as delinquent shall, except as herein otherwise provided, be considered and treated as a township, and all provisions of law for the sale of lands for the payment of taxes levied for State, county and township purposes and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in the city except as herein otherwise provided.

## CHAPTER XXVIII.

## EDUCATION.

SECTION 1. Nothing in this act contained shall in any way change or alter the present school districts of said city or the powers and duties of the boards of education of the several districts, but the same shall continue as heretofore, subject to and governed by the general statutes of this State relating to schools and school districts.

School laws,  
to remain  
unchanged.

## CHAPTER XXIX.

## MISCELLANEOUS.

SECTION 1. The present president, trustees, clerk, treasurer and assessor of the village of Zeeland shall become the mayor, aldermen, clerk, treasurer, and supervisor respectively, of the city of Zeeland at the time of the taking effect of this act, and shall serve and act as such mayor, aldermen, clerk, treasurer and supervisor respectively, and exercise all the authority by this act vested in said respective officers and perform all duties by this act required to be performed by such officers for the remainder of the unexpired term to which such village president, trustees, clerk, treasurer and assessor were respectively elected.

City officers,  
who to be,  
duties, etc.

SEC. 2. All process against the city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk, or city attorney, at least ten days before the day of appearance of the day mentioned therein.

Processes  
against city,  
service of.

SEC. 3. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys, within the city except by permission and approval of the council, by resolution passed for that purpose, nor until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and the subdivision thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets, and alleys, with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of the register of deeds, until a certificate has been indorsed thereon by the city clerk, under the seal of the city, showing that such plat and dedication has been approved by the council; nor shall the city, by reason of such approval, be responsible for the improvement, care and repair of such streets and alleys, excepting such as the council shall accept and confirm by ordinance or resolution as provided by section one of chapter nineteen of this act.

Lands,  
regulation of  
laying out and  
platting.

Plats, etc.,  
recording of.

City of Zeeland to succeed to interests, property, etc., of village of Zeeland.

SEC. 4. The city of Zeeland shall succeed to and be vested with all the personal and real estate, franchises, credits and effects whatever, and all and every right or interest therein of and belonging to the village of Zeeland, and all demands due and to grow due to the same, shall hereafter fully and absolutely belong to the city of Zeeland, the corporation created by this act, saving nevertheless, to all and every person, his or their rights therein; and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created, every person who is or shall be possessed thereof, shall deliver the same to the city of Zeeland with all the evidences touching the same, and said corporation may bring suit in its corporate name for the recovery of the same, and the said city of Zeeland shall be liable to, and shall pay all just debts due from, or claims or demands against the village of Zeeland, as heretofore existing; and for all contracts heretofore made or entered into by the corporate authorities of the village of Zeeland shall be, and the same are made binding and obligatory upon the corporation hereby created, and are continued in force and effect the same as if this act had not been passed.

Act to be public act.

SEC. 5. This act shall be deemed a public act and shall be favorably construed in all courts and places whatsoever.

Justices of peace in certain townships.

SEC. 6. The present justices of the peace of the townships of Zeeland and Holland, residing in said city of Zeeland, shall have the same power and authority, and shall exercise the same in and for the said city of Zeeland, as is by this act conferred upon justices of the peace, elected in and for said city, and shall in all respects be subject to the provisions of this act relating to such justices of the peace, and they shall continue to hold their respective offices, to discharge the duties thereof until the fourth day of July, nineteen hundred seven, and until their successors, viz.: The justices of the peace to be elected at the first election to be held under the provisions of this act, shall have been elected and qualified, and thereupon their respective terms of office shall expire and thereupon said justices of the peace of the townships of Zeeland and Holland shall deliver to the respective successors, their justices' dockets and all dockets and files in their respective offices; and in case any matter or suit shall be pending and undetermined, before such justices of the peace of said townships of Zeeland and Holland at the time his or their office will expire as in this act provided, the successors to such justices of the peace shall proceed to hear, try and determine such matter or suit, and to issue execution thereon in the same manner with like effect as might have been done if such matter or suit had originally been commenced before such justice.

Expiration of term of office.

Suits pending.

Publication of proceedings, affidavits to be made by publisher.

SEC. 7. When, by the provision of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same made by the printer of the newspaper in which the same was published,

or by some person in his employ having a knowledge of the facts, if such notice was required to be by publication, or by the person posting the same, when required to be by posting, and filing with the city clerk, or any other competent officer, proof of such facts, shall in all courts and places be presumptive evidence of the facts therein contained. It shall be the duty of the city clerk to see that all such affidavits are duly made and filed.

SEC. 8. This act shall not change in any respect the boundaries of the first and second representative districts of the county of Ottawa, as they exist prior to the passage of this act, and shall not change the manner of electing representatives therein.

Representative districts, boundaries not to be changed.

SEC. 9. When said city of Zeeland shall have been organized under this act, thereupon all the by-laws and ordinances of said village of Zeeland and the rules and regulations of the council of the village now in force shall continue in force as and are declared to be, by-laws, ordinances, rules and regulations of said city, and they shall have the same force and effect in all respects, and shall be as valid for all purposes as though enacted and adopted by the council of the city of Zeeland under the authority and provision of this act, until modified, changed, amended, altered or repealed by the council of said city of Zeeland, and the terms employed in such ordinances, by-laws, rules and regulations in designating the various officers of said village in respect to their powers and duties may imply the term by which the several officers of the city of Zeeland are designated, whose powers and duties correspond with those of said village.

By-laws and ordinances of village of Zeeland and rules of council of, to continue in force.

This act is ordered to take immediate effect.

Approved May 29, 1907.

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[No. 569.]

AN ACT to create the office of drain assessors in each township of the county of Van Buren, to provide for their appointment by the township boards, and to prescribe their duties and fix their compensation.

*The People of the State of Michigan enact:*

SECTION 1. The township board in each township of Van Buren county shall, at a special meeting to be called during the month of May or June of this year and thereafter during the month of April in each year, appoint two resident freeholders for the term of one year or until their successors shall be appointed, who shall be designated drain assessors for their respective townships and who, with the county drain

Drain assessors, appointment, term of office and duties.

Drains  
traversing  
more than one  
township.

Assessment  
when  
approved,  
what to  
constitute.

Oath of office;  
compensation.

commissioner, shall constitute a board of assessors, whose duty shall be to make and review all assessments made against lands, for benefits for all drains hereinafter established, cleaned out, widened, deepened, or extended, within such townships; and in case any such drains traverse more than one township, then the drain assessors of the several townships so traversed by such drain shall, together with the county drain commissioner, constitute a board of assessors for such drain.

SEC. 2. Such assessment when so made and approved by a majority of such board of assessors shall constitute and be declared by the county drain commissioner to be the assessment of benefits to lands for said drain.

SEC. 3. The said drain assessors shall, before they enter upon the discharge of the duties of their office, each take and file with the township clerk the constitutional oath of office, and shall each receive as compensation the sum of two dollars for each day, and one dollar for each half day, actually and necessarily spent in the discharge of their duties, and shall be allowed their actual and necessary expenses incurred in the performance of their duties, to be audited and allowed by the township board and shall be paid on the order of the county drain commissioner out of the drain fund.

This act is ordered to take immediate effect.

Approved May 29, 1907.

[No. 570.]

AN ACT to revise the charter of the city of Ironwood, including therein also as a part of such charter the act to provide a city depository or depositories and regulate the deposit of public moneys therein.

*The People of the State of Michigan enact:*

## CHAPTER I.

### INCORPORATION—CITY AND WARD BOUNDARIES. GENERAL CORPORATE POWERS.

Name, corporate powers, etc.

SECTION 1. The municipal corporation known as "The City of Ironwood" shall be and continue to be a municipal corporation by the name of "The City of Ironwood," and by that name may sue, implead and complain in any court of record and in any other place whatsoever, but it shall be sued, or complained of only in the circuit court for the county of Gogebic; it may have a common seal and alter such seal



at pleasure; it may take, hold, use, occupy, possess, purchase, lease, convey, encumber and dispose of any real, personal or mixed estate for the use or benefit of said municipal corporation as authorized under this act.

#### DESCRIPTION OF TERRITORY.

SEC. 2. The following described territory in the county of Gogebic and State of Michigan, to wit: The south half of the southwest quarter of section thirteen, the south half of south half of section fourteen, south half of south half of section fifteen, south half of the southeast quarter of section sixteen, lot number four of said section sixteen, fractional section twenty-one, sections twenty-two and twenty-three, the west half of section twenty-four, the west half of section twenty-five, all of section twenty-six, and fractional section twenty-seven, all being in township forty-seven north of range forty-seven west, is hereby constituted and declared to be a city by the name of the city of Ironwood. Boundaries of city.

SEC. 3. Said city shall be divided into eight wards bounded and described as follows, to wit: Ward boundaries.

The first ward shall consist of that part of the city described as follows: Commencing at a point where the center line of Lowell street intersects with the center line of the main track of the Chicago and Northwestern Railway Company; thence westerly along the center of the main line of said Chicago and Northwestern Railway Company to a point where the center of the main track or line of the said Chicago and Northwestern Railway Company crosses or intersects the center of the main stream of the Montreal river; thence southerly along the center of the main stream of said river to a point where the center of the main stream of said river intersects with the north and south quarter line of said section twenty-seven; thence north along the north and south quarter line of sections twenty-two and twenty-seven to a point where said north and south quarter line intersects with the east and west eighth line of the south half of said section twenty-two; thence westerly along said east and west line to a point where it intersects with the center line of Lowell street; thence northwesterly along the center line of Lowell street to the place of beginning; First ward.

The second ward of said city shall embrace all that portion of said city bounded as follows: Commencing at a point where the main line of said Chicago and Northwestern Railway Company intersects the center line of Lowell street; thence easterly along the center line of the main line of said Chicago and Northwestern Railway Company to a point where said main line intersects with the north, east and west eighth line of said section twenty-two; thence westerly along said eighth line to a point where it intersects with the north and south quarter line of said section twenty-two; thence northerly along the said quarter lines of said sections twenty-two and Second.

fifteen to a point where it intersects with the south eighth line of said section fifteen; thence westerly along the south eighth lines of said sections fifteen and sixteen, to a point where it intersects with the main stream of the said Montreal river; thence southerly along the center of the main stream of the said river to a point where it intersects with the center of the main line of the said Chicago and Northwestern Railway Company; thence easterly along the center of the main line of the said Chicago and Northwestern Railway Company to the place of beginning;

Third.

The third ward of said city shall embrace all that portion of said city described as follows: Beginning at a point where the main line of the Chicago and Northwestern Railway Company intersects the center line of Lowell street, thence southeasterly along the center line of said Lowell street to a point where it intersects with the south, east and west eighth line of section twenty-two; thence easterly along said eighth line to a point where it intersects with the center of the main spur of the said Chicago and Northwestern Railway Company to the Norrie mine; thence northerly along the center of the main spur of the Chicago and Northwestern Railway Company to a point where it intersects with the center line of Ayer street; thence northerly to a point in the center of the main line of said Chicago and Northwestern Railway Company directly south of and in line with the east line of Case street; thence westerly along the center of the main line of said Chicago and Northwestern Railway Company to the place of beginning;

Fourth.]

The fourth ward shall embrace all that portion of said city bounded and described as follows: Beginning at a point on the north eighth line of said section twenty-two directly north of and in line with the center line of Curry street extended to said north eighth line; thence westerly along said north eighth line to a point where it intersects with the center of the main line of the Chicago and Northwestern Railway Company; thence southwesterly along the center of the main line of the said Chicago and Northwestern Railway Company to a point directly south of and in line with the east line of Case street; thence southerly to a point in the center of said main spur of the Chicago and Northwestern Railway Company to the Norrie mine, where the center line of said main spur intersects with Ayer street; thence southeasterly along the center of said main spur of said Chicago and Northwestern Railway Company to a point where it intersects with the center line of Vaughn street; thence easterly along the center line of Vaughn street to a point where it intersects with the center line of Curry street; thence northerly along the center line of Curry street extended north to the place of beginning;

Fifth.

The fifth ward shall embrace all that portion of said city bounded and described as follows: Beginning at the intersection of the north and south quarter line and the south,

east and west eighth line of section fourteen; thence westerly along the south, east and west eighth line of sections fourteen and fifteen to a point where it intersects with the north and south quarter line of section fifteen; thence southerly along the north and south quarter line of said sections fifteen and twenty-two to a point where it intersects with the north, east and west eighth line of said section twenty-two; thence easterly along said south, east and west eighth line of said section twenty-two to a point where it intersects with the center line of Curry street extended north to said eighth line; thence southerly along said center line of Curry street extended to said eighth line and along the center line of Curry street to its intersection with the center line of Vaughn street; thence southerly to a point on the south, east and west eighth line of said section twenty-two directly south of and in line with the center line of Curry street extended south to said eighth line; thence easterly along said south, east and west eighth line of section twenty-two to a point where it intersects the section line between sections twenty-two and twenty-three; thence southerly on said section line between sections twenty-two and twenty-three to the corner of sections twenty-two, twenty-three, twenty-six and twenty-seven; thence easterly along the section line between said sections twenty-three and twenty-six to a point where said section line between said sections twenty-three and twenty-six intersects the west, north and south eighth line of said section twenty-three; thence northerly on said west, north and south eighth line of said section twenty-three to a point where said west, north and south eighth line of said section twenty-three intersects the north, east and west eighth line of said section twenty-three; thence easterly along the said north, east and west eighth line of said section twenty-three to a point where said north, east and west eighth line of said section twenty-three intersects the north and south quarter line of said section twenty-three; thence northerly along said north and south quarter line of said sections twenty-three and fourteen to the place of beginning;

The sixth ward of said city shall embrace all that portion <sup>Sixth.</sup> of said city bounded and described as follows: Beginning at a point where the center line of Curry street intersects with the center line of Vaughn street; thence westerly along the center line of Vaughn street to a point where it intersects with the center line of said main spur of the Chicago and Northwestern Railway Company; thence southerly along the center of said main spur to a point where it intersects with the south, east and west eighth line of section twenty-two; thence westerly along the center of said eighth line to a point where it intersects the north and south quarter line of said section twenty-two; thence southerly along the north and south quarter line of sections twenty-two and twenty-seven to a point where it intersects with the center of the main stream of said Montreal river; thence southerly along

the main stream of said Montreal river to a point where it intersects with the south section line of section twenty-seven; thence easterly along the south section line of section twenty-seven to the corner of sections twenty-six and twenty-seven, thirty-four and thirty-five; thence northerly along the section line between sections twenty-six and twenty-seven and said sections twenty-two and twenty-three to a point where the said section line intersects the south, east and west eighth line of said sections twenty-two and twenty-three; thence westerly along said eighth line of section twenty-two to a point on said south, east and west eighth line of section twenty-two directly south of and in line with the center line of Curry street extended south to said south, east and west eighth line of said section twenty-two; thence northerly along said center line of Curry street extended south to the place of beginning;

**Seventh.**

The seventh ward shall embrace all that part of said city bounded and described as follows: Beginning at the intersection of the north and south quarter line and the north, east and west eighth line of section twenty-three; thence westerly along the said north, east and west eighth line of section twenty-three to a point where it intersects with the west, north and south eighth line of said section twenty-three; thence southerly along said west, north and south eighth line of section twenty-three to a point where it intersects with the section line between sections twenty-three and twenty-six; thence westerly along said section line between sections twenty-three and twenty-six to the corner of sections twenty-two, twenty-three, twenty-six and twenty-seven; thence southerly along the section line between sections twenty-six and twenty-seven, to the corner of sections twenty-six, twenty-seven, thirty-four and thirty-five; thence easterly along the section line between sections twenty-six and thirty-five to the corner of sections twenty-six, thirty-five, twenty-five and thirty-six; thence northerly along the section line between sections twenty-five, twenty-six, twenty-three and twenty-four to a point where said section line between sections twenty-five, twenty-six, twenty-three and twenty-four intersects the east and west quarter line of sections twenty-three and twenty-four; thence westerly along said east and west quarter line of said section twenty-three, to a point where it intersects the north and south quarter line of section twenty-three; thence northerly on said north and south quarter line of section twenty-three to the place of beginning;

**Eighth.**

The eighth ward of said city shall embrace all of that portion of the city bounded and described as follows: Beginning at the intersection of the north and south quarter lines of section thirteen and the south, east and west eighth line of said section thirteen; thence westerly along the south, east and west eighth line of sections thirteen and fourteen to a point where it intersects with the north and south quarter line of section fourteen; thence southerly along the north

and south quarter line of sections fourteen and twenty-three to a point where it intersects with the east and west quarter line of section twenty-three; thence easterly along the east and west quarter line of section twenty-three to the quarter post between sections twenty-three and twenty-four; thence southerly along the section line between sections twenty-three and twenty-four, and twenty-five and twenty-six, to the corner of sections twenty-five, twenty-six, thirty-five and thirty-six; thence easterly along the section line between sections twenty-five and thirty-six to the quarter post between the corner posts between said sections twenty-five and thirty-six; thence northerly along the north and south quarter line of sections twenty-five, twenty-four and thirteen, to the place of beginning.

SEC. 4. Whenever, in the next preceding section of this act, street lines or street junctions are referred to, they shall be held to mean the street lines and junctions of streets of the city of Ironwood, as existing at the time said city was incorporated by act number two hundred twenty-five of the local acts of the year eighteen hundred ninety-one. Street lines.

## CHAPTER II.

### EFFECT OF INCORPORATION.

SECTION 1. The city shall be a body politic and corporate under and by the name of the city of Ironwood, and exercise all the powers in this act conferred. Body politic.

SEC. 2. Judicial notice shall be taken in all courts and proceedings therein, in this State, of the existence of the city of Ironwood as incorporated under this act, and from the time this act shall become a law, all the provisions of this act shall become applicable to the said city of Ironwood. Judicial notice.

SEC. 3. All ordinances, by-laws, resolutions, rules and regulations, in force in the city of Ironwood when this act shall take effect, and not inconsistent herewith, shall continue in full force and effect until repealed or amended by the common council established by this act. Ordinances to continue in force.

SEC. 4. All rights and property of any kind and description which were vested in the city of Ironwood under its former organization shall be deemed and held to be vested in the corporation created under this act and no rights or liabilities either in favor of or against the city of Ironwood under the former organization, existing at the time of the passage of this act, and no suit or prosecution of any kind shall be in any way affected by such change, but the same shall stand or progress as if no such change had been made, and all the debts and liabilities of the former city of Ironwood shall be deemed to be the debts and liabilities of the corporation created under this act, and all the taxes levied and uncollected at the time of this change, shall be collected Incorporation not to affect rights, etc.

Proviso. the same as if such change had not been made: *Provided*, That when another and different remedy is given in this act which can be made applicable to any rights existing at the time of the incorporation of the city under this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

### CHAPTER III.

#### ELECTORS AND REGISTRATION.

Electors, residence, etc. SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of the State, and no others, shall be electors therein. Every elector shall vote in the ward where he shall have resided during the twenty days next preceding the day of election. The residence of any elector not being a householder shall be deemed to be in the ward in which is located his regular place of lodging.

Board of registration, vacancy, etc. SEC. 2. The aldermen of each ward shall constitute the board of registration therein for all elections conducted in said city. If, for any cause there shall not be any, or a sufficient number of aldermen representing any ward, to constitute a board of registration of two persons, the common council shall supply the vacancy or appoint a board of registration for such ward. Any alderman being unable to act on the board of registration, may appoint a substitute, who must be an elector of the ward, but said appointment shall be in writing and shall be filed with the city clerk and the person so appointed shall take the constitutional oath of office before serving.

Districts, boards of registration, sessions. SEC. 3. Each ward shall be an election district. On the Saturday next preceding a general election, and on the Saturday next preceding the day of the regular city election, or any special or other election, and on such other days as shall be appointed by the council, not exceeding three days in all, previous to any such election, the several boards of registration for the city, shall be in session at such places in their several wards as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session or sessions it shall be the right of each person then actually residing in any ward and, who at the then next approaching election may be a qualified elector, in such ward, and whose name is not already registered, to have his name entered in the register of such ward.

Who may register.

Notice of meeting of board, by whom, etc.

SEC. 4. At least two weeks previous to the commencement of any such session of the several boards of registration, the council shall fix the place in each ward of the city where the board of registration shall meet, and at least eight days before such session of the board, the city clerk shall give

notice by hand bills posted in ten public places in each ward, and by publication in one or more newspapers printed in the city, of the time and place in each ward when and where the board of registration for each ward will meet.

SEC. 5. The boards of registration in said city, at their sessions previous to the general election in November, nineteen hundred eight, and every four years thereafter, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law, which registration shall be conducted in the same manner as is now or may hereafter be provided by the general election laws of the State.

Re-registration,  
tion, when  
made.

SEC. 6. In regard to all matters not provided for in this act, the general laws of this State relating to the registration of electors, in cities, shall apply to the registration of electors in this city.

General laws  
to govern.

## CHAPTER IV.

### ELECTIONS.

SECTION 1. An annual city election shall be held on the first Monday in April, in each year, at such places in each of the several wards of the city as the common council shall designate.

Annual city  
election.

SEC. 2. Special elections may be called by resolution of the common council, and shall be held in and for the city, or in and for any ward thereof at such times and place or places, as the common council shall designate, the purpose and object of which shall be fully set forth in the resolution calling such election.

Special  
elections,  
calling of.

SEC. 3. Whenever a special election is to be held the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place when and where such election is to be held, and the proceedings and the manner of holding the election shall be the same as at the annual election.

Notice to  
inspectors.

SEC. 4. Notice of the time and place, or places, of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk at least ten days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in one or more newspapers published in the city at least once before any said election, and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Notice of  
election, how  
given.

Ballot boxes,  
booths, etc.

SEC. 5. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes, booths and other appliances of the kind required by law to be kept for that purpose, and a reasonable time before any election shall cause said booths to be erected in the various polling places in the city for use on the day of election; and it shall be the duty of the city clerk to cause said ballot boxes and appliances to be delivered at said polling places before each election as is provided by the general law.

Clerks duty.

Opening and  
closing of  
polls.

SEC. 6. On the day of any election held by virtue of this act, the polls shall be opened in each ward at the several places designated by the council, and shall be kept open and shall be closed at and during such times as may be provided for elections under the general law.

Board of in-  
spectors, who  
to constitute.  
Vacancies, etc.

SEC. 7. The supervisor and the two aldermen of each ward shall, except as in this act otherwise provided, constitute the board of inspectors of election. If for any reason there shall not be a sufficient number of the officers last named in any ward to make the number of three inspectors, it shall be the duty of the council, at least three days before the election, to appoint a sufficient number of electors who, with the officers above named, if any in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above provided for shall not be present or remain in attendance, the electors present may fill said vacancy or vacancies in the manner provided for by the general law.

Board to  
organize, take  
oath, etc.

SEC. 8. The inspectors of election, provided for above, shall be inspectors of State, county and district elections in their respective wards, and they shall organize as said board of inspectors at each election and take the constitutional oath of office in the same manner as is now or may hereafter be provided by the general election laws of the State. All elections held under the provisions of this act shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in cities; and the inspectors of any such election shall have the same powers and authority for all purposes as are conferred upon inspectors of elections by the general election laws of the State at general elections; the manner of canvassing the votes at any such election shall be the same as is now or may hereafter be prescribed by law for canvassing votes at the general election held in this State, and the inspectors shall in all other respects conform as nearly as may be to the duties required of inspectors of election by the general laws of the State.

Election laws  
to govern.

Powers, etc.,  
of inspectors.

Canvass.

Statement  
and certificate  
of inspectors.

SEC. 9. Immediately after closing the polls the inspectors of election shall, without adjourning, make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and



the number given for and against the same, which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement and certificates on the day of election, or on the next day, together with said poll list and the register of electors, with the boxes containing said ballots in the office of the city clerk.

SEC. 10. The council shall at least twenty days previous to the annual election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for the city for the ensuing year and they shall perform such duties relative to the preparation, printing and distribution of ballots at all city elections as are required by law of the boards of election commissioners of counties.

Election commissioners, council to appoint, duties.

SEC. 11. The electors shall vote by ballot. Such ballot shall be prepared and furnished by the board of election commissioners as provided by the general election laws of the State and shall contain the names of all officers to be voted for, and all questions or propositions submitted to be voted upon, and all matters touching the form and contents of the ballot shall be the same, as near as may be, as is or may hereafter be provided by the general election laws of the State.

Ballots, who to prepare, what to contain, etc.

SEC. 12. The council shall convene on the Tuesday next succeeding each election, at their usual place of meeting, and determine the results of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively, and thereupon the city clerk shall make duplicate certificates under the corporate seal of the city of such determination, showing the results of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively, one of which certificates he shall file in the office of the county clerk of the county of Gogebic, and the other shall be filed in the office of the city clerk.

When council to meet and determine result.

Clerk to make certificates.

SEC. 13. The person receiving the greatest number of votes for any office in the city or ward, shall be deemed to have been duly elected to such office, and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be elected to such office.

Who deemed elected.

Tie.

SEC. 14. It shall be the duty of the city clerk within three days after the meeting and determination of the council as provided in the preceding section, to notify each person elected, in writing, of his election, and he shall also within three days after the appointment of any person to any office in like manner notify such person of such appointment.

Clerk to notify person elected, etc.

## CHAPTER V.

## OFFICERS—THEIR ELECTION AND APPOINTMENT.

Elective  
officers.

SECTION 1. The following officers shall be elected at large in the city incorporated by this act: A mayor, a city clerk, a city treasurer and two justices of the peace. There shall be elected in each ward of the city, by the qualified electors thereof, one supervisor, two aldermen and one constable who are to be voted for on the same ticket with the city officers at large: *Provided*, That no person shall be eligible to the office of city treasurer for more than two terms in succession.

Proviso.

Appointive.

SEC. 2. The following officers shall be appointed annually by the mayor, namely: The city attorney, one marshal, one assessor, one street commissioner, one health officer, one city engineer and one chief of the fire department. The council may also from time to time, provide by ordinance, for the appointment of such other officers, whose election or appointment are not in this act specifically provided for, as the council may deem necessary for the execution of the powers granted by this act. The manner of appointment, powers, duties, salary and term of office of any such officer shall be prescribed by the ordinance creating the office.

Appointments  
reported to  
council.

To confirm or  
reject.

SEC. 3. All appointments to office, to be made by the mayor, as provided by this act, except those to fill vacancies and newly created offices, shall be reported by him annually, to the council at its first meeting to be held, as hereinafter provided, after each annual election. Appointments which for any cause shall not be made on that day, may be made by the mayor and confirmed by the council at any subsequent regular meeting of the council. It shall be the duty of the council to confirm or reject all appointments at the meeting when reported to them by the mayor. No person whose appointment has been rejected by the council shall be eligible for appointment to the same office during the year when so rejected

Term of  
mayor, clerk,  
etc.

SEC. 4. The mayor, city clerk, city treasurer, supervisors and constables shall hold their offices for the term of one year from the second Monday in April of the year when elected and until their successors are elected and qualified and enter upon the duties of their offices.

Aldermen,  
term when  
begin, etc.

SEC. 5. One alderman shall be elected, in each ward of the city, at the first annual election held under this act and annually thereafter and the term of office of such aldermen shall be for two years from the second Monday in April of the year when elected, and until their successors are elected and qualified. The aldermen holding office at the time of this act shall take effect shall continue to hold their respective offices until their terms of office expire or their offices become vacant and until their successors are duly elected and qualified.

Present  
aldermen.

**SEC. 6.** The terms of office of all officers to be appointed by the mayor or council, as provided by this act, shall begin on the first Monday in May of the year when appointed and shall continue for one year and until their successors are appointed and qualified, except those appointed to fill vacancies and newly created offices. Appointments to fill vacancies shall be for the balance of the term and appointments to newly created offices shall be subject to the provisions of the ordinances creating them.

Appointive officers, terms, etc.

Vacancies.

**SEC. 7.** The justices of the peace holding offices in the city, at the time the act shall take effect shall continue in office until their terms expire. At the annual election held on the first Monday in April, nineteen hundred eight, one justice of the peace shall be elected for a term of four years and biennially thereafter one justice of the peace shall be elected for a term of four years. Justices of the peace not elected to fill vacancies, shall enter upon the duties of their offices on the fourth day of July next after their election.

Present justices to finish term.

Justices, when elected, term, etc.

**SEC. 8.** Justices of the peace elected under this act shall take and file an oath of office with the county clerk of the county of Gogebic within the same time and in the same manner as in the cases of the justices of the peace elected in townships, and all justices of the peace elected for a term of less than four years shall file their oaths of office within ten days after their election.

Oath, where filed.

**SEC. 9.** Every justice of the peace within the time limited for filing his official oath, shall file with the county clerk mentioned in the preceding section, the security for the performance of the duties of his office required by law in cases of justices of the peace elected in townships, except that said official bond, or security may be executed in the presence of, and be approved by, the mayor; and in case he shall enter upon the execution of the duties of his office before having filed his official oath, and bond or security to the city, as may be required by law, or by any ordinance or resolution of the council he shall be liable for the same penalties as are provided in cases of justices of the peace elected in townships.

Bond, filing, approval, etc., of.

Failure to comply.

**SEC. 10.** All officers elected or appointed to fill vacancies shall enter upon their duties immediately after complying with the provisions of law with respect to qualifying.

Officers filling vacancies.

**SEC. 11.** No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board or officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

Eligibility to office.

Defaulter ineligible.

**SEC. 12.** All officers, either elected or appointed, except justices of the peace, shall, within ten days after receiving notice of their election or appointment, take and subscribe

Officers, to take oath.

the oath of office prescribed by the constitution of the State and file the same with the city clerk.

Bonds, filing,  
etc.

SEC. 13. Every person elected or appointed to an office under this act, except justices of the peace, before entering upon the duties of his office and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or resolution of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office, except that the bond or security shall be deposited with the city treasurer. No bond or recognizance given to the city by any officer under the provisions of this act shall be held invalid for want of any matter of form. A bond shall be valid if given where recognizance is required, and no bond shall be held invalid because not complying with the statute, but shall be as valid as if the statute is complied with.

Examination  
of sureties.

SEC. 14. The council, or mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer, or person of whom a bond or any security may be required by this act, or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties and examine them under oath as to their property. Such oath may be administered by the mayor or any alderman, or any person authorized to administer oaths. The examination of any such sureties shall be reduced to writing and signed by him and annexed to and filed with the bond or instrument to which it relates.

Oath.

Additional  
bond may be  
required.

SEC. 15. The council may also, at any time, require any officer, whether elected or appointed, to execute and file with the clerk of the city any official bond in the sum or such further sum and with new or such further sureties as such council may deem requisite for the interests of the corporation, and failure to comply with such requirements shall subject the officer to immediate removal by the council.

Failure to  
comply.

Resignations.

SEC. 16. Resignation of officers shall be made to the mayor. If any officer shall become a defaulter to the city the office he occupies shall thereby become vacant.

Removal, va-  
cates office.

SEC. 17. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated.

Failure to  
take oath or  
file bond  
vacates office.

SEC. 18. If any officer elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time limited therein, the council shall declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

Vacancy in  
elective office,  
how filled.

SEC. 19. In case any vacancy occurs in the office of mayor or in any other elective office, except justice of the peace, the council may fill such vacancy by appointment at any time within twenty days after such vacancy occurs or may, within such time, call a special election for the purpose of

filling such vacancy, as they may deem for the best interest of the city, but no special election shall be called where a vacancy in any office occurs within ninety days previous to any annual election. The mayor shall fill all vacancies in appointive offices within ten days after any such vacancy occurs and shall report the same to the council at its next regular meeting for their approval.

In appointive,  
mayor to fill.

SEC. 20. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office exonerate such officer or his sureties from any liability incurred by him or them.

Removal, etc.,  
not to exonerate from  
liability.

SEC. 21. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall have expired, he shall, on demand, deliver to his successor in office all the books, papers, money and effects in his custody as such officer and in any way pertaining to his office, and every person violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally for like offenses under the general law of this State now or hereafter in force and applicable thereto, and every officer elected or appointed under this act shall be deemed an officer within the meaning and provision of such general laws of this State.

Books, etc.,  
delivered to  
successor.

SEC. 22. Every office shall become vacant on the happening of either of the following events, before the expiration of the term of office: The death of the incumbent; his resignation; his legal removal from office; his ceasing to be an inhabitant of the city or ward, if his office be a ward office; his conviction of any infamous crime; any offense involving the violation of his oath of office; the decision of a competent tribunal declaring void his election or appointment; and his refusal or neglect to take the requisite oath of office or to give any official bond or to deposit such oath or bond, in the manner and within the time prescribed in this act or by law, except as otherwise in this act provided.

Penalty for  
failure.

SEC. 23. Whenever, by the provisions of this act, it shall be necessary for any officer, person, firm or corporation to give a bond or security to the city, State or county, the city council may, by resolution passed by a two-thirds vote of all the aldermen-elect, require such bond or surety to be executed by a surety or indemnity company, licensed to do business in this State. Said bond or surety to be given in such form and in amount as may be determined by the council. The provisions of this section shall also apply to any person, persons, association or corporation entering into a contract with the city for the performance of any public work or improvement in said city. And such bond or bonds may also be required of any person, persons, firm or corporation engaged in the manufacture or sale of malt, brewed, spirituous and intoxicating liquor in said city under the general liquor law of the State, in lieu of other bonds specified in said law.

Office, when  
deemed  
vacant.

When council  
may require  
surety com-  
pany bond.

## CHAPTER VI.

## COMPENSATION OF OFFICERS.

Mayor,  
aldermen.

SECTION 1. The mayor shall receive for his services, in full, the sum of fifty dollars per year. Each alderman shall receive the sum of two dollars for each meeting of the common council and two dollars per day for each day served as member of the board of review, and the sum of three dollars per day when serving on the board of registration, and four dollars for serving as inspector of elections, but no alderman shall receive any compensation for any meeting of the council he does not attend nor for services on the boards of review, registration or election when not actually present and acting.

When council  
to fix salaries.

The common council shall, at its first meeting after each annual election, fix the salaries of all the city officers unless otherwise provided by this act or by law, but subject to the following limitations: The city clerk shall receive not to exceed one thousand dollars per annum, the assessor shall receive not to exceed five hundred dollars per annum, the city attorney shall receive not to exceed five hundred dollars per annum: *Provided, however,* That he shall be entitled to receive from the city his reasonable expenses when absent from the city on official business when directed by order of the common council.

Limitations.

Clerk,  
assessor,  
attorney.

Proviso.

Marshal.

The city marshal shall receive not to exceed one thousand dollars per annum, but he shall also be entitled to receive from the city, for the board of prisoners, confined in the city prison, on city process, such compensation as the common council may specify, and all said bills for board of prisoners shall be submitted by him monthly and be sworn to by him as true and accurate.

Street  
commissioner.

The street commissioner shall receive not to exceed nine hundred dollars per annum. The policemen who serve by day shall receive not to exceed seven hundred twenty dollars per annum, and those who serve by night shall receive not to exceed seven hundred eighty dollars per annum.

Policemen.

Health officer,  
engineer,  
chief.

The health officer shall receive not to exceed three hundred dollars per annum. The city engineer shall receive not to exceed four hundred dollars per annum. The chief of the fire department shall receive not to exceed eight hundred dollars per annum. Each justice of the peace of the city shall receive the sum of fifty dollars per annum in lieu of all fees for the trial of causes under the ordinances of the city, and for all services of whatever nature and kind performed for the city.

Justice of  
peace.

Firemen.

The members of the regular paid force of firemen shall be paid as follows: For the first year the sum of six hundred sixty dollars per annum, and for each succeeding year not to exceed the sum of seven hundred fifty dollars per annum. The foreman of the fire department shall receive

not to exceed seven hundred eighty dollars per annum. The city treasurer shall receive the sum of twelve hundred dollars per annum, payable in monthly installments, of one hundred dollars each, and such compensation shall be in lieu of all other fees, perquisites and compensation of any nature whatever.

SEC. 2. The compensation of all other officers and employes not herein specified, shall be such sums as the common council shall direct, and the salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office.

SEC. 3. If any officer whose compensation is limited in this act, accepts, receives or takes a greater salary, compensation, perquisite or fees than is prescribed and limited herein, in any manner whatever, either directly or indirectly, from said city, he and all members of the common council voting or allowing him the same shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty nor more than one hundred dollars, with costs, or by imprisonment in the county jail, in default of paying said fine and costs, not less than thirty days nor more than ninety days in the discretion of the court.

SEC. 4. The common council shall have power to fix the salaries of city officers for the year nineteen hundred seven as provided in this chapter.

## CHAPTER VII.

### DUTIES AND QUALIFICATIONS OF OFFICERS.

#### MAYOR.

SECTION 1. The mayor shall be the chief executive officer in the city. He shall preside at all meetings of the common council, when present, but shall have no vote except in the case of a tie vote, when he may cast the deciding vote. He shall, from time to time, give the council information concerning the affairs of the city and recommend such measures as he may deem expedient. He shall also sign all orders and warrants drawn on the city treasurer, or any fund. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employe or officer of the corporation and shall perform generally all such duties as are or may be prescribed by the ordinances of the city or by resolution of the council. He shall by authority of his office be authorized to administer oaths and affirmations, and may affix to any certificate the seal of the city.

SEC. 2. The mayor shall be a conservator of the peace and may exercise within the city the powers conferred upon sheriffs to suppress disorder. It shall be his duty to see that the

laws of the State and the ordinances of the common council are faithfully executed and he shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of said laws and ordinances and to suppress riot and disorderly conduct. He shall also have power and it shall be his duty to preserve order and decorum in the council room during the sessions of the common council, and for this purpose may order any disorderly person, not a member of the council to be arrested for disorderly or contemptuous conduct in his presence, and imprisoned for a period not exceeding twenty-four hours.

Supervision of various departments, etc.

SEC. 3. It shall be the duty of the mayor to exercise supervision over the several departments of the city government and he shall keep a constant supervision and control over the conduct of all subordinate officers and shall receive and examine into all complaints against them for neglect of duty or other offense. He may remove or suspend any officer appointed by him, at any time, for neglect of duty or other cause, when in his opinion the interests of the city require it, and may appoint any competent person to fill such office until the officer is reinstated or his successor is duly appointed. The mayor shall report any removal and his reasons for same, to the council at its next regular meeting, and shall then announce to the council, for their approval, the name of the person he has appointed to fill such vacancy. The council may refuse to approve such appointment and may reinstate the officer removed by a vote of two-thirds of all the aldermen elect.

Removals.

Report to council.

Council may reinstate officer.

Veto, reasons for, filing of.

SEC. 4. The mayor, or other officer, legally exercising the powers and duties of mayor, shall have power to veto any ordinance, motion or resolution passed by the common council, but in order to give legal effect to any such veto, he shall, within forty-eight hours after the passage of any such ordinance, motion or resolution, file in the office of the city clerk his reasons in writing for the same. No ordinance, motion or resolution so vetoed shall have any force or effect unless the common council shall at its next regular meeting, repass the same by a two-thirds vote of all the aldermen elect, but if so repassed it shall go into effect according to the terms thereof. It shall be the duty of the city clerk to notify each alderman in writing, of any such veto, within twenty-four hours after the same shall have been filed in his office.

When may be repassed.

Clerk to notify aldermen.

#### ALDERMEN.

Duties.

SEC. 5. The aldermen of the city shall be members of the common council and attend the meetings thereof and act upon committees when thereunto appointed by the mayor or council. They shall be conservators of the peace and shall aid in maintaining quiet and good order in the city and in securing the faithful performance of duty by all officers of the city. It shall be their duty to see that the streets and sidewalks of



their several wards are kept in good repair and to inform the street commissioner when and where such work needs to be done.

SEC. 6. No alderman shall hold any other office under this act, the compensation for which is paid and audited by the common council, except as is otherwise provided in this act. Not to hold other office, become surety, etc.  
 No alderman shall become surety on or sign any official bond required under the provisions of this act, from any officer of the city, nor any other bond, the sufficiency of which the common council is by law required to pass upon. Any alderman who shall violate the provisions of this section shall be Penalty. deemed to have vacated his office, but the validity of any such bond shall not be affected thereby.

#### CITY CLERK.

SEC. 7. The city clerk shall be the clerk of the common council and shall possess and exercise the powers of a township clerk so far as the same are required to be performed within the city and he shall have authority to administer oaths and affirmations, he shall keep the corporate seal, and all documents, official bonds, papers, files, vouchers and records of the city, not by this act, by law, or ordinances of the city entrusted to some other officer; he shall when required make and certify under the seal of the city, copies of the papers and records filed and kept in his office and such copies shall be evidence, in all places, of the matters therein contained, to the same extent as the originals would be. Duties.

SEC. 8. The clerk or his authorized deputy, shall attend all meetings of the common council; he shall keep an accurate record of all the proceedings of the council and of all claims allowed or disallowed by it; he shall keep a book of ordinances in which he shall accurately record all ordinances legally passed by the council; he shall countersign and register all licenses granted; he shall advertise for and receive proposals for all contracts and shall sign the same, for and on behalf of the city and report his actions thereon to the council, unless otherwise provided by the council; he shall purchase all books, stationery and incidentals for the officers of the city unless otherwise provided by the council; he shall countersign and register all bonds issued, with the number, amount and dates when issued, when payable, and all coupons attached thereto, and keep account in proper books of all such bonds for the information of the council; he shall sign all burial permits, cemetery deeds and all evidences of debt and transfer of property which the common council is authorized to issue or make, pledging the faith of the city. To attend council, keep records, countersign bonds, etc.

SEC. 9. The clerk shall be the general accountant of the city, and all claims against the corporation shall be filed with him for adjustment, and after examination thereof he shall report the same, with all accompanying vouchers and counter claims of the city and the true balance as found by him, to To be general accountant.

- the council for allowance and when allowed he shall number and file said claims as permanent records of his office and shall then draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made and take proper receipts therefor, but when any fund or appropriation has been exhausted by warrants already drawn, or by appropriations, liabilities, debts or expenses actually incurred or contracted for, no warrant shall be drawn on such fund or appropriation until the same has been replenished; and he shall immediately notify the council when any fund has become exhausted; he shall keep a complete set of books exhibiting the financial condition of the corporation and all its departments, funds, resources and liabilities, with a proper classification thereof and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer in which he shall charge him with all moneys received from all sources for each of the several funds of the city and credit him with all the warrants drawn thereon keeping a separate account with each fund, he shall charge the treasurer with all taxes which may be placed in his hands for collection, and all other officers of the corporation with all property placed or being in their possession and for that purpose shall keep a list of all property of the city and on or before the last day of February of each year shall take an inventory of all such property and shall give said officers credits for all property consumed, expended and destroyed by ordinary wear and use and not otherwise, and shall file said inventory among the permanent records of his office and in case he shall find any delinquencies or deficiencies on the part of any officer he shall immediately report the same to the council for their action; he shall keep a record of all officers and employes of the city and certify to the council the payrolls and wages of all such officers and employes; he shall also perform such other duties as may be required of him by the common council not inconsistent with this act and the laws of the State.
- Keep books.** SEC. 10. When any tax or assessment shall be levied, raised or apportioned the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised or apportioned and the amounts thereof to be credited to each fund.
- Account with treasurer.** SEC. 11. The clerk shall, on the second Tuesday in the month of March in each year, make out and present to the common council a full statement and balance sheet of the financial accounts of the city for the past fiscal year and shall also add thereto in detail, a statement of the amount of money which in his judgment it will be necessary to raise by taxation for all city purposes for the succeeding year.
- List of city property.** SEC. 12. When the time in which any official bond or oath of office is required to be filed shall have expired the clerk shall report the same in writing to the common council at its next regular meeting giving the names of the person or
- Record of officers, employees, etc.**
- To report tax, etc., to treasurer.**
- Annual report to council.**
- Report of oaths, etc., not filed.**

persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security, for the performance of the duties of the office.

SEC. 13. The clerk shall cause an accurate copy of the recorded proceedings of each of the meetings of the common council to be published one week in one or more English newspapers printed and published in said city, as may be directed by the common council, and within eight days after each session of the common council. He shall also cause all ordinances, except ordinances granting a franchise, to be published in the same manner and within the same time after their final passage and approval by the mayor.

To cause council proceedings to be published.

SEC. 14. The clerk may, subject to the approval of the common council, appoint a deputy, who shall possess all the powers and authority of the city clerk, subject to the control of the clerk and whose services shall be paid for by the clerk. The clerk shall be responsible for all the acts and defaults of such deputy and may remove him at his pleasure.

May appoint deputy.

SEC. 15. The city clerk shall give a bond to the city for the faithful performance of his duties, in such form and sum as the common council may require.

Bond.

SEC. 16. The clerk shall perform promptly all other legal duties that may be required of him by law or by act of the common council.

Other duties.

#### CITY MARSHAL.

SEC. 17. The marshal shall be the chief of the police of the city and all policemen shall be under his direct supervision and subject to his orders. As police officer, he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city are promptly enforced. To this end, it shall be the duty of the marshal, in all cases where a violation of this act, or of any ordinance or regulation shall come to his notice, without further order or direction, to take proper proceedings against the offender for such violations, and to make proper complaint to any justice of the peace of said city therefor, or procure the same to be done. As peace officer he shall be vested with all the powers conferred upon sheriffs for preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, except as otherwise provided in this act, and such process may be served anywhere within the State.

Marshal, duties.

SEC. 18. He shall suppress all riots, disturbances, and breaches of the peace and for that purpose may command the aid of the citizens in the performance of such duties. It shall be his duty to arrest all disorderly persons in the corporation. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the law of the State or the ordinances of the city amounting

Suppress disturbances, etc.

Arrests.

to a breach of the peace, and forthwith take such person before the proper court for examination or trial.

Monthly  
report to  
council.

SEC. 19. The marshal shall report in writing and on oath to the common council at its first meeting in each month all arrests made by him and the cause thereof, and all persons discharged from arrests during the month; also, the number remaining in confinement for breaches of the ordinances of the city, and the amount of all fines and fees collected by him. All moneys collected or received by the marshal, and belonging to the city, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the clerk.

Not to hold  
other office.

SEC. 20. The marshal shall not hold any other office under the provisions of this act or any county office either elective or appointive.

#### CITY ATTORNEY.

Attorney,  
qualifications,  
duties.

SEC. 21. The city attorney shall be an attorney and counselor at law in good standing and admitted to practice in all the courts of this State. He shall, on application of the common council, or of any officer of the city, furnish advice relative to all matters of law in the discharge of their duties, in behalf of the city and of all public boards in all suits for or against them, prosecute all offenses against the ordinances of the city and perform such other legal duties as may be prescribed by ordinance or by direction of the common council.

#### CITY TREASURER.

Treasurer.

SEC. 22. The city treasurer shall be the treasurer of the city and shall have the custody of all money and funds belonging to it. He shall perform all of the duties required of him by law and by this act. He shall also give bonds in such amount as may be fixed by the common council of the city and the board of trustees of the public schools of the city of Ironwood for all moneys which may come into his hands as such treasurer. Said bonds shall be signed by not less than five sureties residing in the county of Gogebic: *Provided, however,* The common council may require surety bonds to be given, said bonds to be in companies licensed to do business in this State. Whenever surety bonds are required it shall be lawful for the city to pay the expense thereof.

To give bonds.

Proviso,  
surety bonds.

#### CITY ENGINEER.

Engineer,  
plats, surveys,  
etc.

SEC. 23. The city engineer shall have and exercise in the city the like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates,

plans and specifications required by the council relating to public improvements, buildings, grounds, sewers and streets of the city and all such plats, maps, surveys, diagrams and estimates, plans and specifications so made by him as city engineer shall be the property of the city, and shall be filed by him in the office of the city clerk.

#### STREET COMMISSIONER.

SEC. 24. It shall be the duty of the street commissioner to perform or cause to be performed, all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city as the council shall direct to be done by or under his supervision and to oversee and do whatever may be required of him in relation thereto by the council. Duties.

SEC. 25. He shall make a report in writing and under oath, once in each month, giving an exact statement of all labor performed by employes of the city under his supervision, and the charges therefor, the amount of material used and the expenses thereof, and the street or place where such material was used or labor performed and file the same with the city clerk to be by him certified and presented to the common council for its disposal. Monthly report, where filed, etc.

SEC. 26. The street commissioner shall perform such duties in regard to the destruction of Canada thistles and noxious weeds within the limits of the city, as shall be required by the common council. Noxious weeds, etc.

#### CONSTABLES.

SEC. 27. The constables of the city shall have like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for violation of the ordinances of the city. Power and authority.

SEC. 28. The constables of the city shall obey all lawful orders of the mayor or common council and any justice of the peace, exercising jurisdiction in causes for violation of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any neglect or refusal to perform any such duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Orders of mayor, etc.  
Penalty.

#### SUPERVISORS.

SEC. 29. The supervisor of each ward shall have and exercise, within his respective ward, all powers, authority and functions of supervisors of townships as now provided, or may

Member of  
board of  
supervisors.

Proviso,  
when alder-  
man to act.

hereafter be provided by law, except as assessor, and except as herein otherwise provided, and shall be a member of the board of supervisors of the county of Gogebic, and as such shall be entitled to the same compensation, and be paid in the same manner as supervisors in townships and shall perform such other duties as by this act shall be required of him: *Provided*, That in case any such supervisor shall be temporarily absent from the city, or from sickness or other cause shall be unable to act as supervisor on said board of supervisors the alderman of his ward, having the shortest time to serve, shall during the time of such absence, sickness or disability, act as supervisor of his ward, and for the time being possess all the powers and discharge the same duties as the supervisor of the ward, and in case said alderman is disqualified or unable to act the other alderman of the ward shall act in his place and in case said supervisor and both said aldermen are disqualified and unable to act, the common council shall appoint some particular person to act as supervisor until such disability ceases. For services as inspector of election they shall receive the same compensation as the aldermen of the city.

#### CHIEF OF FIRE DEPARTMENT.

Charge of  
department,  
duties.

Temporary  
chief.

Further  
powers, etc.,  
of officers.

SEC. 30. The chief of the fire department shall have full charge under the orders of the mayor and common council, of the fire department of the city and he shall be responsible for the proper care and safe keeping of all fire apparatus and property in connection with his office and see that the same is kept in good repair; all firemen either regular or volunteers shall be under his direct orders; he shall act as fire warden of the city and perform all the duties usually devolving upon said officers; he shall see that the fire alarm system of the city is at all times kept in good working order and that the hydrants now and hereafter in use in the city shall be kept ready for instant use, and any defect in the same shall be immediately reported by him to the common council; he shall not leave the corporate limits of the city exceeding twelve hours at any one time without the written permit of the mayor, and should he do so it will be sufficient cause for removal; during the absence of the chief at any time the mayor shall appoint some suitable person as temporary chief and his compensation during the time he shall serve shall be paid by the chief unless otherwise provided by the council; the chief shall also perform such other duties as the common council may from time to time legally require.

SEC. 31. In addition to the right, powers and duties and liabilities of officers prescribed in this act, all officers whether elected or appointed shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution.

## CHAPTER VIII.

## COMMON COUNCIL—WHO SHALL CONSTITUTE—POWERS, DUTIES, PROCEEDINGS, ETC.

SECTION 1. The mayor and aldermen of the city, when assembled together and organized, shall constitute the common council of the city, and a majority of the aldermen elect shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time until a quorum is secured.

Council, who to constitute.  
Quorum.

SEC. 2. The common council elect shall hold its first meeting, after the annual election in each year, on the third Tuesday in April.

First meeting.

SEC. 3. At such first meeting of the common council, after the annual election in each year, they shall elect from their number a president of the council, who shall possess the same powers as, and perform and discharge the municipal duties of the mayor, during his absence or inability and upon his death, resignation or removal, but in case of the absence or sickness of the mayor the same must have continued at least two weeks before said president of the council can exercise such powers, unless by consent in writing of the mayor, and such written consent must be given to the clerk and permanently filed in his office. Such consent shall not be necessary, however, to empower such president to preside over the deliberations of the council whenever the mayor is not present at any lawful meeting thereof.

President, when elected, powers, etc.

SEC. 4. The council shall hold regular sessions at such times and places as it shall by ordinance or resolution direct, and may adjourn regular sessions from time to time as may be deemed expedient; it may provide by rule for holding special sessions and the manner in which the same shall be called and may adjourn the same in the same manner as regular sessions are adjourned and the mayor is empowered to call special meetings to be held in the regular meeting place of the common council, at such times as he may think that the interests of the city require the same and the city clerk shall notify each alderman of each such special meeting and state in the notice the object or objects for which it is called; it may impose and collect such fines as it may deem proper, for the non-attendance of any alderman or officer of the city when notified to be present at any meeting, but said fines shall not exceed five dollars for any one offense. In the absence of the mayor and president pro tempore, or of the city clerk, from any meeting, the aldermen present shall have power to appoint from their number a president or a clerk pro tempore. All sessions of the common council shall be open to the public.

Sessions, may adjourn, etc.

Special sessions, calling of.

President and clerk pro tem.

SEC. 5. Each alderman shall have one vote on all questions that may come before the common council except that no alderman shall vote on any question in which he has a per-

Personal interest to disqualify vote.

sonal or pecuniary interest but on all other questions he shall vote when present, unless excused by a two-thirds vote of the members of the council present and voting thereon. Neither the mayor, president of the council, nor any alderman shall preside at any meeting of the council during the consideration of any question in which he may have a personal or pecuniary interest, but the presiding officer may call upon some disinterested alderman to preside during the time any such question shall be under consideration, neither shall the mayor or acting mayor have the right to veto any ordinance, resolution or action of the council in which he shall have a personal or pecuniary interest, and any act of the council or mayor done in violation of this section shall be null and void.

May prescribe rules, etc.

SEC. 6. The common council may prescribe rules and by-laws, not inconsistent with this act, for the transaction of its business and proceedings and may prescribe in said rules and by-laws, penalties for the non-performance of duties by aldermen and city clerk or other officers of the city. No money shall be appropriated by the council except by resolution or ordinance and only upon a yea and nay vote. It shall be unlawful for the common council to vote any money, from any fund, for any purpose, when any such fund shall be thereby overdrawn, and it shall be the duty of the city clerk to refuse to draw a city warrant or order when it would overdraw any fund. Whenever required by any alderman the votes of all members of the council in relation to any act, proceeding or proposition before the council, shall be entered by yeas and nays in the minutes. All records of the city shall be prima facie evidence of the truth of the facts therein recorded.

Not to vote money from overdrawn fund.

Ordinances.

SEC. 7. Whenever by this act or any other provision of law any power or authority is vested in, or duly imposed upon, the corporation or common council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty, when not otherwise provided in this act or the laws of the State.

Standing committees.

SEC. 8. The council may provide for the appointment and fix the duties of standing committees of its members, who shall be appointed by the mayor subject to the approval of the council.

Mayor may issue subpoenas.

SEC. 9. To enable the common council or any of its committees to investigate charges against any officer, or such other matters as they may deem proper to investigate, or to perform any other legal duty, the mayor or any justice of the peace of the city, is empowered at the request of the council, or any of said committees to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, and the presiding officer of the council or committee when necessary may administer oaths or affirmations.



**SEC. 10.** No member of the common council or any officer of the city shall be interested, directly or indirectly, in the profits of any contract, job, work or service (other than official services) to be performed for the city, and any member of the council or officer of the city offending against the provisions of this section shall upon conviction thereof, be fined not less than one hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court before whom such conviction may be had, and said conviction shall vacate his office.

Not to be personally interested in contracts, etc.  
Penalty.

**SEC. 11.** Any person appointed to office by authority of this act, may be removed therefrom by a vote of two-thirds of the aldermen elect; and the council may remove from office any alderman by a concurring vote of two-thirds of all the aldermen elect. In the case of elective officers other than aldermen and justices of the peace, provision shall be made, by ordinance, for preferring charges against such officers and trying the same; and no removal of an elective officer, other than an alderman, shall be made except by a two-thirds vote of all the aldermen elect and unless a charge in writing is preferred and an opportunity given to make a defense thereto. Whenever the council shall remove any officer whose appointment is made by the mayor it shall be the duty of the mayor to immediately appoint some other eligible person to fill the vacancy.

Removals from office.

Elective officers.

**SEC. 12.** The common council shall have full power and authority to assess, levy and collect, from year to year, such amount of taxes upon all the real and personal property, not exempt from taxation, within the limits of the city, as it may deem necessary to defray the expenses, provide for the payment of the debt of the city and to carry into effect the powers in this act granted but not to exceed one and one-half per cent of the assessed valuation in any one year for all purposes and to apportion the same into proper and requisite funds; to appropriate money, provide for the payment of the debt and expenses of the city and make regulations concerning the same.

Power to assess taxes.

Limit.

**SEC. 13.** The common council shall audit and allow all accounts chargeable against the city, but no account or claim or contract shall be received for audit or allowance unless it shall be accompanied with affidavit of the person rendering it, or his or her lawfully authorized agent, to the effect that affiant verily believes that the services or property therein charged for have been actually performed or delivered to the city; that the sums charged therefor are reasonable and just and to the best of his knowledge and belief no set-off exists or payments have been made on account therefor except such as are indorsed or referred to in such account or claim; and further, such account shall exhibit in detail all the items making up the account claimed and the true date of each.

Audit of accounts.

**Defense.** It shall be sufficient defense in any court to any action or proceeding for the collection of any demand or claim against the city of any description whatever, that it never has been presented as aforesaid to the council for allowance, or that the claim was presented without the affidavit aforesaid and rejected for that reason, or that the action or proceeding was brought before the common council had a reasonable time to investigate and pass upon it. And all claims for damages against the city growing out of the negligence or default of said city, or of any officer or employe thereof, shall be presented to the common council of said city in the manner above provided within six months after such claim shall arise and in default thereof all action on such claim shall thereafter be forever barred. And in any action in any court, on any such claim the complainant shall be required to show that such claim has been duly presented in the manner in this section specified, to the common council of said city for audit, investigation and allowance.

Claims for damages, when presented.

**Remit taxes.** SEC. 14. The common council shall have the power to remit taxes or any special assessment in said city on account of the inability of the person liable for said taxes or assessment to pay the same by reason of poverty or misfortune, or on account of the same being used for religious purposes or public charity.

**Annual settlement, proceedings, etc.** SEC. 15. On the second Tuesday in the month of March in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding fiscal year, in which statement shall be clearly and distinctly specified the several items of expenditures made by the common council, and the object and purpose for which the same were made, and the amount of money expended for each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and policing the city; the amount of highway taxes and special assessments; and amount of assessments for opening, paving, planking, repairing and altering streets, and building and repairing bridges; the amount borrowed on the credit of the city and the terms on which the same were obtained, and such other information as shall be necessary to a full understanding of the financial condition of the city. The clerk shall cause the same to be published in at least two of the newspapers of the city, printed in English.

Publication.

Hold real estate, etc.

SEC. 16. The city of Ironwood shall have power to take, accept or hold any real or personal estate, whether by gift or bequest or devise, for any purpose connected with the parks, cemeteries or public grounds of the city, or for any public institution or charity; and when accepted it shall be the duty of the common council to use and appropriate the same for the uses and purposes mentioned in the instrument giving,

granting or devising the same, and for no other purpose.

SEC. 17. The common council shall have general supervision and full control over all public highways, bridges, streets, avenues, alleys, sidewalks and public parks and grounds and all sewers, sinks, drains, wells, pumps, reservoirs and water courses and may create, alter, close or abolish them and establish and change their grade as the public necessity may require and may enact such ordinances as may be necessary for the protection, control or use of them. The council may ascertain, establish and settle boundaries of all streets and alleys in the city and provide by ordinance to prevent and remove all encroachments thereupon.

Control of  
streets, walks,  
sewers, etc.

Street  
boundaries.

SEC. 18. The common council shall have the right to fix the name of streets and avenues of the city, and may alter the same, and may provide for a record thereof to be made and preserved in the office of the city clerk.

Names of  
streets.

SEC. 19. The common council shall have the right to order a survey to be made of the city, and all streets, alleys, lanes and public grounds therein, and to renumber the lots and blocks of the city, and to order the same to be replatted, to rename the additions and subdivisions, and may cause a map thereof to be made by some competent person, and may adopt said map, and when adopted, said map shall be filed in the office of the city clerk and a copy thereof be filed in the office of the register of deeds of Gogebic county. And upon the adoption of said map by the common council of the city it shall be the authentic and legal map of the city, and may be used by the assessor in making all assessments and shall be admitted in evidence in all courts without further proof than proof of its adoption by the common council, or of its filing, if it is the copy offered, in the office of said register of deeds.

May replat,  
etc.

Map, where  
filed, etc.

SEC. 20. The common council may establish, construct and maintain sewers and drains wherever necessary within the city, and of such dimensions and materials and under such regulations as they may deem proper. They may establish, open, widen, extend, straighten, alter, close or vacate highways, streets, alleys, lanes, avenues and public grounds and spaces and may construct, maintain and repair bridges, sidewalks and cross walks, within the limits of the city, of such material and in such manner as they shall deem for the best interests of the city. The council shall have power to pay for all or a part of the expense of the public works and improvements above provided for out of the general fund of the city, or shall have power to pay for the same in full or in part by levying special assessments upon the property contiguous to any said improvements or that is directly benefited by the same and the council is hereby empowered to pass such ordinance or ordinances as may be necessary to legally provide for the assessment, levy and collection of special assessments for the said above mentioned purposes and is empowered hereby to assess, levy and collect any such special assessment

Construct  
sewers, alter  
streets, etc.

May levy  
special assess-  
ments for.

as may be legally provided by and made in accordance with any such ordinance or ordinances.

Hold and  
convey  
property.

SEC. 21. The common council shall have power, for and in behalf of the city, to purchase and hold, convey and dispose of any personal property or any real estate or interest therein for public purposes, it may construct, purchase or lease such public buildings as may be required for the use of the city.

Record of  
streets and  
highways.

SEC. 22. It shall be the duty of the common council to cause such of the streets and highways in said city as shall have been used for six years or more, as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described and recorded in the office of the clerk of said city, in a book to be known as the book of street records, and shall cause the same to be platted on the official map of the city; and the recording of such highways, streets, lanes and public grounds, so ascertained and described, or which shall hereafter be laid out and established by the common council and recorded in the book of street records in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highways, streets, lanes, alleys, or public grounds therein described. The city, however, shall never acquire any right, title and interest to any ores or minerals beneath the surface of such streets of the city, by right of user. Neither shall the owner or the lessees of the lands through which said streets shall be acquired be even required to maintain the surface thereof when removing said ores and minerals from thereunder.

Title to  
minerals.

Shade trees.

SEC. 23. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp posts therein and protect the same.

Lighting of  
streets.

Police.

SEC. 24. The common council may, by ordinance or resolution, make and establish rules and regulations for the government of the police of the city, prescribing and defining their powers and duties, when not inconsistent with this act or the laws of the State.

Eminent  
domain.

SEC. 25. Private property may be appropriated for public use, in the city, for the purpose of opening, widening, altering and extending the streets, alleys and avenues, for the construction of bridges, for public buildings and for other public structures, for public grounds, parks, market places and spaces, for the improvement of water courses, for sewers, drains and ditches, for public hospitals, pest-houses, quarantine grounds and public cemeteries, and for other lawful and necessary public uses. Whenever lands for any street, alley or public ground shall be acquired by said city by condemnation, said city shall not thereby acquire any right, title or interest in any ores or minerals either upon or beneath the

Not to acquire  
title to  
minerals.

surface of such street, alley or public ground, but the same shall remain the property of the owners of the lands or ores or minerals at the time of condemnation. And the owner of said ores and minerals in such street, alley or public ground may enter in and upon such street, alley or public ground for the purpose of mining and removing all ores and minerals therefrom; and if the owner of the ores and minerals in said street, alley or public ground shall be also, at the time of such condemnation, the owner of any lands or of the ores and minerals in any lands adjoining such street, alley or public ground, such owner may also enter, use and occupy the lands in said street, alley or public ground for the purpose of mining and removing the ores and minerals from such adjoining lands. And such owner, his heirs, lessees and assigns, may conduct all such mining operations in such street, alley or public ground and in the lands thereto adjoining according to the caving or any other system of mining customary in the Upper Peninsula of Michigan, regardless of the effect thereof on such street, alley or public ground, and in so doing such owner, his heirs, lessees or assigns, shall not be required to protect the surface of such street, alley or public ground or to furnish any support thereto: *Provided, however,* That if such mining operations shall render such street, alley or public ground wholly unfit for the purpose for which the same was acquired by said city, such owner, his heirs, lessees or assigns shall refund to said city the amount, if any, allowed to said owner and paid by said city on said condemnation, on account of any right in the surface of the lands embraced in such street, alley or public ground.

Authority of  
owner.

Proviso.

SEC. 26. If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the city in the manner and with like effect as provided by the general laws of this State relating to the taking of private property for public use in cities and villages.

Right to  
occupy, how  
acquired.

SEC. 27. It shall be lawful for the common council, on behalf of the city, to build and construct or to purchase already built and constructed, suitable water works and lighting plants, and all necessary appurtenances thereto, and to maintain, operate and extend the same, within the corporate limits of the city, for the purpose of supplying the city and its inhabitants with water and light for public and private use and consumption. The common council is empowered to purchase any such water works or lighting plant subject to any valid and legal mortgage or lien existing against the same: *Provided,* That any such mortgage or lien must be taken and construed as consideration for said purchase. It is expressly provided however, that no such water works or lighting plant shall be built or purchased or any interest in the same, until the question of such construction or purchase shall, by resolution of the council, have been submitted to the

Water works,  
lighting plant.

Proviso.  
Submitted to  
electors.

qualified electors of the city at some annual, or special election, called for that purpose, and such question shall be so submitted in the same manner, as near as may be, as the question of granting franchises is submitted, as elsewhere in this act provided.

May issue  
bonds,  
interest, etc.

SEC. 28. To enable the common council to more fully and effectually carry out and perform the powers conferred upon it by the preceding section, it may issue the bonds of the city and may use such bonds or the proceeds realized from their sale, for the construction or purchase of any water works or lighting plant, as in its discretion it may deem for the best interests of the city, but the rate of interest of any such bond shall not exceed six per cent per annum and such bonds shall not be sold for less than their par value and the proceeds therefrom shall not be used for any other purpose than that for which said bonds were issued.

Question of  
issue to be  
submitted.

SEC. 29. Before any bond shall be issued in the manner and for the purpose or purposes above mentioned, the question of issuing said bonds shall be submitted to the qualified voters of the city in the same manner as the question of the purchase of any water works or lighting plant is submitted: *Provided*, That both such questions may be submitted at the same election but must be voted upon separately.

Proviso.

Limit of  
bonded  
indebtedness.

SEC. 30. The bonded indebtedness of the city, for the purposes provided in the three preceding sections shall not exceed three per cent of the total valuation of the taxable property of the city of Ironwood, as equalized by the board of supervisors of Gogebic county for the year immediately preceding the time when said bonds are issued.

Ordinances  
for manage-  
ment, etc.

SEC. 31. Whenever the common council shall, under the authority granted by this act, build and construct or purchase any water works or lighting plant, they shall provide by ordinance for the management and control of the same and the employment of competent persons for that purpose; they shall fix the charges for the use and consumption of water and light and may change the same as they deem necessary and may pass ordinances and make all rules and regulations required for the control, management and protection of the same.

Fix rates.

Public boards,  
council may  
create.

SEC. 32. The common council shall have authority, whenever they believe that the interests of the city would be better subserved thereby, by ordinance, to create public boards to have charge of the public improvements and for the management and control of the public grounds, streets, alleys, parks, water-works, gas, electric light plants, buildings or any other public enterprises of the city and to fix the terms of office of the same, their compensation and manner of appointment.

May extend  
works beyond  
limits,  
appropriate  
property.

SEC. 33. When the city shall construct or purchase water works they may be constructed, extended and maintained, when necessary, beyond the corporate limits of the city, and in such case the said city shall have the right to take private

property for a right of way for water pipes, not only within the limits of the city, but anywhere in the county of Gogebic, and shall have authority to enforce beyond the corporate limits of the city, within the county of Gogebic, full authority over all buildings, machinery and other property belonging to and connected with such water works the same as if they or it were within the city limits; said supervision to be exercised under such ordinances as the common council may see fit to enact.

Sec. 34. The council shall have power to provide, by resolution, passed by a two-thirds vote, at any time they shall deem it necessary or for the best interests of the city, for refunding and extending the time of payment of the then existing and legal debts of the city, and for that purpose may issue the bonds of the city. No such bonds shall be issued for a larger sum than the total of the actual face value or principal of said debts, together with the accrued interest thereon up to the time said bonds are issued. Such bonds shall be known and described upon their face as "Refunding Bonds of the City of Ironwood, Michigan."

Refunding  
bonds.

Sec. 35. Whenever the city shall become indebted to any person, persons, association or corporation by reason of a judgment or decree having been rendered or decreed against the city in a court of record, the common council, in order to pay such indebtedness may, by a two-thirds vote of all of the aldermen elect, proceed to issue certificates of indebtedness and negotiate and sell the same to raise money to pay such judgment or decree together with the interest thereon and the costs taxed against the city. Said certificates of indebtedness shall be in such form as the council may prescribe, and they shall be known and described as judgment certificates of the city of Ironwood, Michigan. They shall bear interest at not more than six per cent per annum, and be made payable in not more than five years from the date of the issue thereof. In case, however, the common council shall determine that it shall be more expedient to issue bonds for the payment of such judgment or decree, together with the interest thereon and costs, thereupon the common council may, by a two-thirds vote of all the aldermen elect, issue the bonds of the city to an amount not exceeding said judgment or decree with the interest and costs. Said bonds shall be known and described as judgment bonds of the city of Ironwood, Michigan. When certificates of indebtedness or city bonds are issued under the provisions of this section, it shall not be necessary to submit the question of the issuing thereof to the electors of the city for their approval.

Certificates of  
indebtedness,  
when may  
issue.

Form,  
interest.

When may  
issue bonds,  
how known,  
etc.

Sec. 36. Every bond issued by the city in pursuance of the provisions of either of the two preceding sections and all other bonds of the city shall be made payable within thirty years and may bear interest at a rate not to exceed six per cent per annum. No bond shall be sold or negotiated for less than its par value and each shall contain on its face a statement

Bonds, when  
payable,  
interest, etc.

Penalty for  
unlawful use.

specifying the object for which it was issued. It shall be unlawful for any officer of the city to use any such bonds or the proceeds from the sale thereof, for any other purpose than that mentioned on the face of such bonds and any officer who shall violate the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail of Gogebic county for a period not exceeding one year or both in the discretion of the court.

How  
numbered.

SEC. 37. All certificates of indebtedness, or bonds, issued by the city shall be numbered in the order of their issuance. They shall be issued under the seal of the corporation, be signed by the mayor, and countersigned by the city clerk.

Estimate,  
when made,  
etc.

SEC. 38. The common council shall, on the second Tuesday in the month of May in each year, make estimates of all the expenditures which will be required to be made from the several funds of the city during the next fiscal year for all purposes for which any money will be required to be paid from any and all of the said funds during such fiscal year; and shall by resolution make provision for and appropriate the several amounts required to defray the expenses and liabilities of the corporation for the next fiscal year payable from the said funds and order the same or so much of such amount as may be necessary, to be raised by tax with the next general tax levy and to be paid into the said funds of the city. The whole amount so ordered to be raised by taxation shall not exceed the limitations in this act provided. The council shall specify in such resolution the objects and purposes for which such appropriations are made and the amount appropriated for each object or purpose.

Cement side-  
walk, when  
laid.

SEC. 39. Whenever the common council shall receive a petition signed by the owners of a majority of the frontage of any block in any of the recorded plats of said city, petitioning for a cement sidewalk to be laid in front of such block, thereupon the common council shall, if the funds available for such purposes are actually in the city treasury, immediately proceed to cause such sidewalk to be constructed in accordance with such petition, said petition to be in such form as may be prescribed by the council.

## CHAPTER IX.

### GENERAL POWERS OF CITY CORPORATION.

Powers of  
council.

SECTION 1. The city incorporated under the provisions of this act, shall, in addition to such other powers as herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely:



**SEC. 2.** First, To restrain and prevent vice and immorality, gambling, noise and disturbances, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation or congregation therein and to punish for injuries thereto or for unlawful interference therewith; Gambling, disturbances, etc.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards and persons found intoxicated in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes; Beggars, drunkards.

Third, To prevent injury or annoyance from any thing dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same; Nuisances.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance and to punish the keepers thereof; Disorderly houses, etc.

Fifth, To regulate or license the use of billiard tables, nine or ten-pin alleys or tables, and ball alleys; Ball alleys, etc.

Sixth, To prohibit and suppress every species of gambling and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming; Gambling.

Seventh, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person so doing; Liquors.

Eighth, To license, regulate, restrain or prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, or scientific subjects excepted; Shows, circuses, etc.

Ninth, To prevent and punish violations of the Sabbath day, and the disturbances of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day; Exceptions.

Tenth, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales and to license the same, and to regulate the fees to be paid by and to auctioneers; Violations of Sabbath.

Auctions.

but no license shall be required in case of sales required by law to be made at auction or public vendue;

Hawkers,  
peddlers.

Eleventh, To license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device, in or upon the streets, highways, alleys, sidewalks, open places or spaces, public grounds or buildings in the city;

Encum-  
brances.

Twelfth, To prevent the encumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, or other public places in any manner whatever;

Horse racing.

Thirteenth, To prevent and punish horse racing and immoderate driving or riding in any street or alley, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or alley in said city;

Restaurants,  
etc.

Fourteenth, To regulate and license all taverns and houses of public entertainment, restaurants, and eating houses;

License  
vehicles.

Fifteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire, in the city, and regulate or fix their stands on the streets and public places, railroad station grounds and other places;

Grades on  
railroads.

Sixteenth, To determine and designate the routes and grades on any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines, cars upon the railroads within the city, and to compel the use of such precaution against accidents at the street crossings upon such railroads as it may deem necessary;

Markets.

Seventeenth, To establish, order and regulate markets to regulate the vending of wood, hay, meat, vegetables, fruits, fish and provisions of all kinds, and prescribe the time and place of selling the same; to prohibit the sale of unwholesome meats, poultry, fish, vegetables, or other articles of food or provisions, impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

Proviso.

Weights and  
measures.

Eighteenth, To provide for the inspection and sealing of weights and measures and to enforce the keeping of proper weights and measures by venders;

Vaults,  
sewers, etc.

Nineteenth, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;

Indecency.

Twentieth, To prohibit and prevent in the streets, or elsewhere in the city, indecent exposure of the person, the show, sale or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;

Twenty-first, To establish fire districts, within which no wooden buildings shall be moved, built, repaired, enlarged, placed or allowed to stand or remain, and prescribe penalties for moving, building, repairing or enlarging the same therein; Fire districts.

Twenty-second, To provide for cleaning the rivers, ponds, canals and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive; to provide and preserve the purity and salubrity of the public waters of the city; to prohibit and prevent the depositing therein of all filth and other matter tending to render such water impure, unwholesome or offensive; Cleaning of streams, etc.

Twenty-third, To compel the owner or occupant of any grocery, tannery, tallow chandler shop, soap or candy factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of the city; Unwholesome places.

Twenty-fourth, To regulate the keeping, selling and using of dynamite, gunpowder, nitro-glycerine, dualine, giant powder, firecrackers and fireworks, gasoline and other explosive or combustible materials, and the exhibition of fireworks, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the city; Combustibles.

Twenty-fifth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; Cellars, drains, etc.

Twenty-sixth, To establish, maintain, and regulate one or more pounds in said city, provide for the appointment of pound-masters, prescribe their powers and duties and fix their compensation; to prohibit, restrain or regulate the running at large of horses, cattle, sheep, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred by the cost of keeping, impounding and other expenses; to punish the breaking of any pound, or any unlawful interference therewith, or the keeper thereof, and to make all such by-laws, ordinances, rules and regulations in relation to such pound or pounds, and the advertising and selling of the animals, geese or poultry therein impounded, as they may deem necessary, or as may be advisable for the purpose of perfecting the title to any property sold in conformity with any ordinance or by-laws, and preserving the evidence and declaring the legal effect of any and all evidence of any such sale or sales, and no court other than the circuit court for the county of Gogebic or the courts held in said city, shall have jurisdiction of any action against any pound-master of said city for or on account of any animal or animals, geese or poultry impounded, or for or on account of any act done by any such pound-master in pursuance of any power or duty conferred by any Pounds.

- by-law or ordinance passed by the common council of said city;
- Obstructions on walks.** Twenty-seventh, To compel all persons in such part or parts of the city as the common council may deem proper, to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood or obstructions;
- Offensive substances.** Twenty-eighth, To prohibit any person from bringing or depositing, within the limits of said city, any dead carcass or other unwholesome or offensive substance, and to require the removal or destruction thereof. If any person shall have on his or her premises any such carcass or substance, or any putrid meats, fish, hide or hides of any kind; and on his or her default to remove the same, to authorize the removal or destruction thereof by some officer of the city, and to provide for ascertaining the expense thereof, and collecting the same from the premises in default;
- Lighting of streets.** Twenty-ninth, To provide for the lighting of the streets and alleys, and for the protection of public lamps and public property;
- Dogs, licenses, etc.** Thirtieth, To fix the rates and provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; and to regulate and prevent the running at large of dogs, to require them to be muzzled and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city;
- Fireworks.** Thirty-first, To prohibit and punish the use of fireworks, toy pistols, sling shots and other dangerous toys or implements within the city;
- Hitching of horses, etc.** Thirty-second, To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held; and to regulate the placing and provide for the preservation of hitching posts;
- Numbering of buildings.** Thirty-third, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same;
- Fountains.** Thirty-fourth, To provide for, establish, regulate and preserve public fountains and reservoirs within the city, and such troughs and basins for watering animals as they may deem proper;
- Railways.** Thirty-fifth, To provide for the construction and operation of street railways and to regulate the same and to determine and designate the route and grade of any street railway to be laid or constructed in said city;
- Public library.** Thirty-sixth, To establish and maintain a public library, and to provide and maintain a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private beneficence as the council may deem to be for the public good;
- Transient traders.** Thirty-seventh, The council may also license transient traders, which shall be held to include all persons who may

engage in the business of selling goods, or merchandise after the commencement of the fiscal year, and the license fee in such cases may be apportioned with relation to the part of the fiscal year which has expired, but such traders, if they continue in the same business, shall not be required to take out a second license after the commencement of the next fiscal year: *Provided*, Such goods or merchandise have been assessed for taxes for said fiscal year; Proviso.

Thirty-eighth, To regulate the putting up, taking down, moving, repairing and maintaining of telegraph, telephone and electric light poles and wires and signs, sign posts and awnings; and to require all electric light, telephone and telegraph wires in the public streets to be placed in underground conduits; Signs, poles  
awnings

Thirty-ninth, The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company or street railway company to raise or lower their railroad tracks, to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner and with such protection to persons crossing thereat, as the council may require, and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains and street railway cars within the city; but such speed shall not be required to be less than six miles per hour, and to impose a fine of not less than five nor more than fifty dollars upon the company, and upon any engineer or conductor, violating any ordinance regulating the speed of trains; Railroad  
crossings.  
  
Flagmen.

Fortieth, The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair, such ditches, drains, sewers and culverts, along and under, or across their railway tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause; Culverts,  
etc.  
  
When council  
may cause  
work done.

Forty-first, To require all persons engaged in the manufacture and sale of spirituous, intoxicating, malt, brewed or fermented liquors to pay a license fee to the city for conducting their business, in addition to the tax provided by the general laws of the State, and to provide for the revocation of said license; Liquor  
license.

Prescribe  
saloon limits.

Forty-second, To prescribe certain limits of the city where in saloons may be allowed to conduct the business of selling intoxicating liquors;

Regulate  
number.

Forty-third, To prescribe and fix the number of saloons or places where intoxicating liquors can be sold within the limits of the city.

## CHAPTER X.

### ORDINANCES AND FRANCHISES.

Style, passage.

SECTION 1. The style of all ordinances shall be, "The city of Ironwood ordains." All ordinances shall be entitled but no ordinance shall be held invalid because the title does not accurately or fully express the object or objects of such ordinance. All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elect, and each ordinance must be presented to the common council at a regular meeting, be read by its title and laid on the table until the next regular meeting, when it may be acted upon, but no ordinance shall be passed without first having been read at length, immediately before it shall be voted upon. The time when any ordinance shall take effect shall be prescribed therein but shall not be for less than ten days from the day of its passage and approval and such time when the ordinance imposes a penalty shall not be less than twenty days from the day of its passage and approval.

When to take  
effect.

Clerk to  
record.

SEC. 2. Within twenty-four hours after the final passage of any ordinance as provided in this act, except an ordinance granting a franchise, it shall be the duty of the city clerk to present the same to the mayor for his approval, and when he shall have approved the same the clerk shall immediately proceed to record the same in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record. It shall not be necessary to record ordinances at length in the journal of the proceedings of the common council, but it shall be sufficient to state the title of each ordinance only.

Certificate of  
publication.

SEC. 3. When any ordinance shall have been published, as in the act provided, the clerk shall immediately after such publication enter upon the record of ordinances in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be prima facie evidence that the legal publication of such ordinance has been made.

Council may  
prescribe  
penalty.

SEC. 4. When by the provisions of this act the common council has authority to pass an ordinance for any purpose, it may prescribe therein a fine or penalty not exceeding one hundred dollars, unless a greater penalty is herein author-

ized, or imprisonment not exceeding ninety days, or both, in the discretion of the court, together with the costs of prosecution for violation of such ordinance, and may provide that the offender on failing to pay such fine or penalty, and the costs of prosecution, may be imprisoned in the county jail of Gogebic county, or in the jail of said city of Ironwood, for a term not exceeding ninety days.

SEC. 5. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of the city, and in all proceedings in the city relating to or arising under the ordinances or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the said ordinances. And whenever it shall be necessary to prove any of the records, laws, regulations or ordinances of the city, or any resolution adopted by the common council thereof, the same may be proved in all courts of justice, and in all proceedings: Judicial notice.  
Proof of records, etc.

First, From a record thereof, kept by the city clerk; Record.

Second, From a copy thereof, or of such record thereof certified by the city clerk under the seal of the city; Copy.

Third, From any volume of ordinances purporting to have been written or printed by authority of the council. Volume.

SEC. 6. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section or part of a section of an ordinance is amended, the whole section shall be re-enacted. Re-enactment.

SEC. 7. The common council shall have the power, by ordinance, to grant a franchise or franchises to any person, persons, partnership or corporation to use the public streets and alleys of the city, for street railway purposes and for the establishment of electric light, telegraph and telephone lines, and for a gas plant or plants for the manufacture and distribution of gas for illuminating or other purposes, and for any other public purpose for the advancement of the interests and welfare of the city under such terms and regulations as it shall impose and as are prescribed by this act. But no franchises shall be granted for a longer period than thirty years. Franchisees, council may grant.  
Term.

SEC. 8. After the final passage of any such ordinance granting a franchise by the common council and its approval by the mayor the same shall be submitted to the qualified electors of the city for their approval, either at the annual election in April, the general election in November or at a special election to be called for that purpose. At least ten days notice of such submission shall be given immediately preceding any such election by posting copies of said notice in three public places in each ward and by publishing the same together with said ordinance, in a newspaper or newspapers published in said city to be designated by the common council, for two weeks in succession immediately preceding the day of election. Said notice shall specify the objects for Submission of, to electors.  
Notice.

Canvass of  
votes.

Results.

Recording of.

How  
amended.

City reserves  
right to  
purchase.

Company to  
make deposit  
for election  
expenses, etc.

which it is proposed to grant any such franchise. The votes for and against the granting of any such franchise shall be canvassed, declared and returned, and all things with reference thereto done in the same manner, as near as may be, as in the case of the election of city officers. At the close of any such election, the inspectors thereof in the several wards, shall make a certificate of the number of votes given for and against the granting of any such franchise and forthwith file the same with the city clerk. The said clerk shall present such certificates to the common council, at its next regular meeting after such certificates have been filed. If a majority of the votes cast at such election shall have been in favor of granting such franchise the council shall so declare the result and take the necessary steps to put such franchise into operation. The terms and conditions of any such franchise shall be definitely fixed and settled in the ordinance before the election provided for in this act shall be called and a copy of the same shall be filed before that time, with the city clerk and subject to public inspection, and any alterations or amendments made to the same after it shall have been so filed, shall render it and the election and all proceedings provided by this section as necessary to legally pass the same, absolutely null and void. When any such ordinance granting a franchise shall have been legally and finally passed upon by the common council, approved by the mayor and approved by the qualified electors of the city, it shall be immediately recorded by the city clerk in the book of ordinances and published in the same manner as other ordinances are recorded and published. To amend, renew or extend an ordinance granting a franchise, after being passed, it must be submitted in its amended form, to a vote of the electors in the same manner as above provided for its original submission and passage and subject to the same terms and conditions.

SEC. 9. No such ordinance granting a franchise shall be passed by the common council or submitted to a vote of the electors unless there shall be expressly provided therein, that the city reserves the right to purchase such property and assets of the grantee of such franchise as may be necessary for the enjoyment of such franchise, and which may be situated within the county of Gogebic, which purchase shall be made under such terms and conditions as shall be imposed by the terms of the franchise.

SEC. 10. It shall be the duty of the common council before ordering the question of granting any franchise to be submitted to a vote of the electors of the city and before calling any special election for that purpose to require the person or persons, company or corporation, to whom the same is proposed to be granted, to deposit with the city treasurer a sufficient sum to defray all the expenses of any such special election, the cost of printing and publishing said franchise as required by this act, and all other costs in connection



therewith, and the same shall be deducted from the sum so deposited and placed in the appropriate fund or funds and the residue, if any, returned to the persons depositing the same. When any such question shall be submitted to the electors at a regular election no charge shall be collected for the expenses of said election.

Exception,  
regular  
election.

## CHAPTER XI.

### TAXATION—TAXES AND THE COLLECTION THEREOF.

SECTION 1. The assessor of the city shall make and complete the assessment of all the real and personal property in the city liable to be taxed, and in the same manner and within the same time, as near as may be, as is required by law for the assessment of property in the several townships of this State; and in doing so shall, in all respects, unless when otherwise in this act provided, conform to the provisions of law governing the actions of supervisors in the townships of this State in the assessment of property and the levying of taxes.

Assessor to  
make  
assessment.

SEC. 2. On the second Monday in July, and for so many days thereafter as may be necessary in each year, it shall be the duty of the assessor and the aldermen of the city to meet at nine o'clock in the forenoon on each day, in the common council rooms. They shall select one of their number to act as chairman and the said assessor and aldermen, or a majority of them, when assembled together as aforesaid, shall constitute a board of review and equalization for the purpose of reviewing and equalizing the assessment roll of the city, as presented to them by the assessor, and of correcting any and all errors which said board or a majority of them may discover in said roll and of exercising all the powers which the boards of review of townships are authorized to exercise at the time appointed by law for the review and equalization of their assessments; and any member of said board is hereby authorized to examine, on oath, any person who shall make any application to said board, and also to administer an oath to any such person who may be required to file any affidavit with them. Notice of the time and place of such meeting of the board of review and equalization shall be posted in at least three public places in each ward of the city for six days preceding the first day of said meeting and published at least twice in each of the English newspapers printed and published in the city.

Board of  
review,  
meetings, etc.

Notice, how  
given.

SEC. 3. When the said board has reviewed, equalized and completed the assessment roll, it shall be their duty, or the duty of the majority of the members of said board to cause to be attached to said roll, signed by them, a certificate which may be in the following form: "We do hereby certify that the above assessment roll contains a description of all the real estate in the city of Ironwood liable to be taxed, ac-

Certificate of  
board.

Form.

according to our best information, and that we have estimated the same at what we believe to be the true cash value thereof, and not at the price it would sell for at a forced auction sale; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that we have estimated the same at its true cash value, according to our best information and belief."

Knowledge of.

SEC. 4. The members of said board may make such certificate from such knowledge as they may possess or can acquire while sitting on said board.

Completed  
roll retained  
by assessor,  
duty.

SEC. 5. When the assessment roll is thus completed it shall be retained by the assessor and by him presented at the annual meeting of the board of supervisors of the county of Gogebic, and at such other times as township assessment rolls are required to be produced at any meeting of said board of supervisors for equalization or for any other purpose prescribed by law; and said assessor shall be entitled to the same notice of such meetings of the board of supervisors for the equalization of township assessment rolls that the township supervisors are or may be entitled to, in like manner and with like effect as is or may be provided by law; and when so equalized it shall be returned to said assessor in the same manner that township assessment rolls are returned to supervisors, and the duty of said assessor in extending all the taxes that may be ordered assessed and extended on said roll, and in relation to all other matters in assessing and extending such tax roll, not inconsistent with the provisions of this act, shall be the same as those of supervisors of townships. Said assessor shall have the right to debate on said board of supervisors in regard to the city's tax roll or assessment roll, but shall have no vote on said board of supervisors.

Tax roll,  
delivered to  
treasurer.

SEC. 6. The assessor shall complete the tax roll of the city in the manner required in the case of township tax rolls, and deliver the same with his warrant thereto attached, to the city treasurer within the time prescribed by law for the completion and delivery of the township tax rolls, to the respective township treasurers of this State, and the warrant of the assessor annexed to the roll of the city as aforesaid, shall have the same force and effect as the warrants of the supervisors of the several townships required by law to be annexed to the tax rolls of the several townships of this State: *Provided*, Security has been given by such city treasurer as required by law or in this act provided, but if such security shall not have been given by such city treasurer in the manner and in the time required, the common council shall immediately appoint some suitable person who shall give the required security to collect such tax roll, who shall be styled a collector, and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes and make return of his doings there-

Proviso,  
security by  
treasurer.

on in the same manner, and shall have all the power, and perform all the duties and be subject to the same liabilities and limitations in this act and by law conferred upon the city treasurer of the city for the purpose of the collection and return and paying over of said taxes.

## CHAPTER XII.

### COURTS OF JUSTICE—FINES, PENALTIES AND LEGAL PROCEEDINGS.

SECTION 1. The justices of the peace of the city shall be justices of the peace of the county of Gogebic and shall have, exercise and possess all the powers and jurisdiction now and hereafter conferred by law on justices of the peace in townships in relation to civil and criminal matters, causes, suits and proceedings.

SEC. 2. The justices of the peace of the city shall have original jurisdiction in all cases of offenses committed against any ordinance or by-law, rule or regulation of said city, and for offenses committed against any of the provisions of this act, except as herein provided to the contrary.

SEC. 3. All proceedings before justices of the peace in said city for violations of any of the ordinances of the city, and for a violation of any of the provisions of this act, shall be by complaint and warrant, except as herein provided to the contrary. The following form of complaint shall be sufficient: ..... being duly sworn, says that on the ..... day of ..... nineteen hundred ....., one ..... violated an ordinance of the city of Ironwood, entitled (here insert the title of the ordinance), for that the said ..... did (here insert the facts going to show the violation of the ordinance). All complaints must be signed and sworn to, the same as complaints in civil cases under the general laws of the State. Complaint for a violation of any of the provisions of this act may be in the same form, except that the number of the section and chapter of this act violated shall be stated, instead of the title of the ordinance, and the same complaint may include both a charge of violating any of the provisions of this act and of any ordinance passed pursuant to the provisions hereof.

SEC. 4. Such complaint may be made by any member of the common council, the city attorney or marshal, policeman or constable, or by any other person having cognizance of the facts, or having good reason to believe that the offense complained of has been committed, and in all cases any person making such complaint shall deposit a sufficient sum of money, not to exceed ten dollars, as security for costs in case the complaint is dismissed by the justice, except that the city attorney, marshal, policeman, mayor, constable, and

members of the common council shall not be required to deposit any such security.

Warrant for arrest.

SEC. 5. Upon such complaint being made it shall be the duty of the justice before whom the same is made to issue a warrant for the arrest of the person, or persons, charged with the offense, which warrant shall be substantially as follows:

Form.

To the marshal, any police officer, or any constable of the city of Ironwood: You are hereby commanded in the name of the people of the State of Michigan, to arrest.....  
.....and bring him forthwith before me, the undersigned, a justice of the peace of the city of Ironwood, to answer a complaint made by.....for a violation of (here insert the title of the ordinance, or number of the section of this act, or both, as the case may be, that are claimed to be violated), the said .....being charged in said complaint with having (here insert the facts substantially as stated in the complaint which tend to show a violation of the ordinance, or section aforesaid). You are also hereby commanded in the name of said people of the State of Michigan to summon .....as witnesses on behalf of the city of Ironwood.

Given under my hand this .....day of.....  
nineteen hundred.....

.....Justice of the Peace.

By whom executed.

SEC. 6. Such warrant may be executed by the marshal, or by any policeman or constable of the city and the officer executing the same shall have the same powers as the sheriff in executing criminal warrants against persons accused of crimes or misdemeanors, and he shall bring the person arrested before the justice who issued said warrant, or in case such justice is absent from his office, or is unable to try the case, or has resigned, or is dead, then the officer making the arrest, or having charge of the person or persons arrested, may bring him or them before any other justice in the city. All persons shall be liable to arrest and imprisonment for violations of this act, in the same manner as such persons could be arrested and imprisoned if charged with a misdemeanor.

When justice may quash.

SEC. 7. Upon the person or persons arrested being brought before such justice, he or they shall plead to the complaint or in case of refusal to plead, the justice shall enter a plea of not guilty after the complaint is read, or if such complaint is not sufficient and does not set forth an offense against the ordinance of the city or provisions of this act, may move to quash such complaint. If such complaint is quashed, the defendant shall be discharged from custody. If such complaint is sufficient and the defendants deny their guilt they shall plead not guilty of such complaint, or the court shall enter a plea of not guilty in case the defendant shall refuse to plead, and thereupon such cause shall be deemed at issue between the city of Ironwood, complainant, and said defendant or defendants and thereafter in said cause the same pro-

Proceedings when complaint at issue.

ceedings shall be had up to and including the rendition of a verdict or judgment as in civil cases before justices of the peace in townships, except as herein provided to the contrary, and except that if the city demand a jury no fees for such jurors shall be required to be deposited with the justice. Either party may demand a jury the same as in criminal cases. Such jury shall be selected in the same manner and the same number of challenges shall be allowed, as in criminal cases before justices, except that it shall not be a cause of challenge or excuse that any person summoned as a juror has been on the jury in said city or county during the preceding year, or that he is a member of any fire company. Justices in all such cases, shall have the same power to punish jurors or witnesses who refuse to serve or attend, and to punish for contempts that justices in townships have, or may hereafter have in criminal cases.

Jury, may be demanded.

SEC. 8. If any such cause commenced by warrant and complaint is adjourned on request of either party, the defendant shall, if required by the justice before whom he is brought, be compelled to enter into a bond or recognizance to the city of Ironwood in the sum of not less than fifty dollars nor more than five hundred dollars, in the discretion of the justice, conditioned to appear on the adjourned day before such justice or before such other justice as the case may be transferred to, and to abide the further orders of the court and not depart from the court without leave. Such bond or recognizance shall be valid until the final determination of the case. When the case is adjourned the defendant shall be committed to the city prison until the case is tried, unless he give bail as aforesaid, if required by such justice. And upon the conviction and sentence of the defendant, the marshal or any constable of the city present, when ordered by the justice, shall take such defendant into custody until the commitment is ready. If the defendant does not appear on any adjourned day or does not render himself into custody upon condition, the bond of recognizance shall be declared forfeited by said justice, who shall enter such a forfeiture on his docket, briefly reciting the facts, and thereupon the city attorney or authorized agent or attorney of the city shall commence an action of covenant, or other appropriate action, to recover the penalty thereof, in any court of competent jurisdiction of this State, where the sureties may be found. The common council shall have power to compromise with such sureties at any time before judgment.

Adjournment, bond to be given, etc.

Prison or bail.

Forfeiture of bond.

SEC. 9. The city shall be allowed the use of the common jail of the county of Gogebic for the imprisonment of all persons liable to imprisonment therein under the ordinance of the common council of the city or under any of the provisions of this act, or such persons may, at the option of the justice committing them, be imprisoned in the city prison. And all persons committed to said county jail or city prison for the violation of any ordinance of the city, or for a viola-

City may use county jail.

tion of the provisions of this act, shall be in the custody of the keeper of the said common jail or the keeper of said prison as the case may be, during the term of said sentence.

Justice to  
render  
judgment.

SEC. 10. The justice before whom any person is convicted shall render judgment against such person within the limits of the fines and penalties of the ordinance or provision of this act violated and shall issue his commitment against such person and shall also, on request of the city attorney, issue an execution against the goods and chattels of such person not exempt from execution, which execution shall be in the same form as in civil cases and shall recite the pecuniary penalty with costs also. Any officer herein mentioned, who neglects or refuses to execute any process under this chapter, shall be liable to the same penalties and damages which are incurred by sheriffs for neglecting or refusing to execute civil process.

Expenses,  
how paid.

SEC. 11. The expense of apprehending, examining and committing offenders against any law of this State, in the city, or by any officer of the city, and of their confinement, except as otherwise provided herein, shall be audited and paid by the board of supervisors of the county of Gogebic in the same manner as if such expense had been incurred in a township of said county; and the board of supervisors of said county of Gogebic shall allow all legal charges against said county presented to said board by any justice of the peace or constable of the city.

Action of  
assumpsit,  
how bought.

SEC. 12. An action of debt or assumpsit may be brought by the city attorney or by any member of the common council, in the name of the city, for the recovery of any fine, penalty or forfeiture incurred by the violation of any ordinance of the city or any of the provisions of this act, and the proceedings shall be commenced by summons before a justice of the city, which summons shall be returnable in not less than two days nor more than twelve days and shall be served at least one day before the return day thereof, and all subsequent proceedings in actions so commenced shall be the same as herein provided for in cases commenced by complaint.

Proceedings,  
how com-  
menced.

Right of  
appeal.

SEC. 13. The right to appeal or take a certiorari to a circuit court from any justice of the peace of the city in all civil and criminal cases, is hereby given to all parties to the same extent and in the same manner and within the same time as is now or may hereafter be provided by law for appeals from justices of the peace in townships under the laws of this State. The city shall not be required to pay any costs or fees on appeals nor be required to give any appeal bond but such appeal shall be considered as perfected when the city attorney, or other authorized attorney, on behalf of the city, files with the justice a notice briefly setting forth that the city feels aggrieved at the judgment rendered and appeals therefrom to the circuit court. Such notice shall be filed within twenty days after the rendition of such judgment and

thereupon said cause shall be deemed to be in the circuit court and may be noticed for trial therein the same as civil causes.

SEC. 14. The record of all proceedings and judgment aforesaid shall be kept and entered by said justice in his docket and all the laws of this State, now or hereafter existing in relation to the entry of judgments in civil causes by justices of the peace, shall apply to proceedings before justices in the city for a violation of any ordinance or of any of the provisions of this act. All judgments rendered by the justices under the provisions of this chapter may be proved in the same manner that is now, or may hereafter be, provided by law for, proving the proceedings or judgments of justices in townships in civil cases.

Docket,  
proceedings  
recorded in.

Judgments,  
how proved.

SEC. 15. All proceedings before said justices, or in any other court having jurisdiction under the provisions of this act, shall be construed liberally.

Proceedings  
construed  
liberally.

SEC. 16. All commitments issued against any person sentenced for a violation of any ordinance or of any other provision of this act shall be substantially as follows:

Commitments,  
form, etc.

To the marshal of the city of Ironwood and to the keeper of the county jail of Gogebic county:

Whereas, ..... was convicted before me, a justice of the peace of the city of Ironwood, on the ..... day of ..... nineteen hundred ..... of having violated an ordinance of said city entitled (here insert the title of the ordinance, or the number of the section and chapter of this act violated, or both, as the case may be) and,

Whereas, on such conviction I sentenced him (or them) to pay a fine of (here insert the fine, or fine and costs imposed, and the alternative imprisonment) and said fine and costs have not been paid;

Therefore, In the name of the people of the State of Michigan, you are hereby commanded to take the said ..... and deliver him to the keeper of (the county jail of the county of Gogebic, or the city prison of the city of Ironwood) and you the said keeper, are hereby commanded in the name of the people of the State of Michigan, to safely keep said ..... in your custody for ..... days from the date of said conviction unless he pays said fine and costs, or is otherwise discharged according to law.

Dated, Ironwood, Michigan, nineteen hundred .....

.....

Justice of the Peace.

If any person so committed shall pay the fine and costs stated in said commitment to said keeper, together with the accrued costs of his board, said keeper shall discharge said person and forthwith pay over such fine and costs to the treasurer of the city. When any person is directed to be

When keeper  
may discharge.

imprisoned in said city prison, the commitment shall be directed to the keeper of said city prison. The marshal, or any of the policemen of the city or any constable of the city shall have power to execute such commitment.

**Inhabitant not incompetent as witness, etc.**  
**Proviso.**  
**Docket, costs, etc., entered in.**

SEC. 17. In all suits in which the corporation of the city of Ironwood shall be a party or shall be interested, no inhabitant of the city shall be deemed incompetent as an officer, witness or juror on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with all the inhabitants of the city. The mode of procedure in this chapter contained shall be held and deemed to apply to violations of the ordinances of the city and the provisions of this act only.

**Examination of.**  
**Justice to pay fines, etc., to treasurer.**

SEC. 18. Every justice of the peace shall enter in the docket kept by him the items of all costs taxed or allowed in any proceeding brought under this chapter and also the amounts and date of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all reasonable times to the examination of any person desiring to examine the same and shall be produced by the justice to the council whenever required.

**Receipt.**  
**Report of justice to treasurer.**

SEC. 19. All fines, penalties and forfeitures collected or received by any justice of the peace for, or on account of violations of the penal laws of the State, and all fines, penalties and forfeitures and moneys collected or received by such justice, for or on account of violations of any ordinance, resolution or act of the city, shall be paid over by such justice to the city treasurer on or before the tenth day of the month next after the collection or receipt thereof, and said moneys shall be by him credited to and placed in the appropriate fund; and the justice shall take the receipt of the city treasurer therefor and file the same with the city clerk.

SEC. 20. All justices shall report on oath to the treasurer at the time of making the payments, above provided for, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution. Whenever fines or penalties imposed for violation of any of the ordinances or resolutions of the common council or for violation of any of the provisions of this act, are collected or shall come into the custody of any magistrate, judge or other officer otherwise than is provided for in this chapter, the same shall be forthwith paid into the treasury of the city and a receipt taken from the treasurer therefor, and filed with the city clerk, by the officer, magistrate or judge making such payment.



## CHAPTER XIII.

## POLICE.

SECTION 1. It shall be the duty of the new common council at its first regular meeting after each annual election, to provide by resolution for a police force and for the appointment by the mayor, by and with the consent of the common council, of such number of policemen as they may think necessary for the good government of the city and the protection of the persons and property of the inhabitants during the following year, and the number of said policemen so employed may be increased or diminished at the will of the common council. The mayor is hereby empowered, in case of emergency or necessity, to make temporary appointments of such number of special policemen as he may deem requisite to suppress riot or disturbances and to maintain peace and quiet within the city, and it shall not be necessary to have said appointments confirmed by the common council. Said special policemen shall receive the same compensation as regular policemen, but said temporary appointments shall not continue for a longer period than five days.

Appointment.

Temporary appointments.

Term.

SEC. 2. The said policemen shall have the same powers of arrest and the enforcement of all ordinances of the city and laws of the State as are herein granted to the city marshal.

Powers.

SEC. 3. The marshal and policemen of the city shall receive no fees or perquisites from the city for services in any action, cause or proceeding brought under or by virtue of any ordinance of the city or for any breach of the peace, and shall receive no other compensation from the city than may be allowed them under this act. Said marshal and policemen, except as specified in this act, are hereby expressly forbidden to serve any process or perform any services in any civil cause, proceeding or action or to receive any compensation for the same. Any violation of the provisions of this section will be sufficient cause for removal. Said marshal and policemen shall hold no other office, either elective or appointive.

Receive no fees, etc.

Violation, removal.

## CHAPTER XIV.

## CITY PRISON.

SECTION 1. The common council of the city shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

Council may provide.

Inmates to be kept at hard labor.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

Certificate to marshal, when clerk to grant.

SEC. 3. Whenever any newly appointed marshal shall have qualified and given the security required by the common council, or by any of the provisions of this act, the clerk shall grant a certificate under the official seal of the city, that the person so appointed has qualified and given security. Upon the service of such certificate upon the former marshal, or other person who may have the custody of the city prison, the powers of the latter, as such marshal or keeper, shall cease. Within twenty-four hours after the service of such certificate upon the former marshal or keeper he shall deliver to his successor:

Powers of former, when to cease.

What to deliver.

Prison.

First, Said city prison with all its appurtenances and the property of the city therein;

Prisoners, etc.

Second, All the prisoners then confined in such prison, together with all process, orders, rules, commitments, and all other papers and documents in his custody, authorizing or relating to the confinement of such prisoners. If any former marshal shall neglect or refuse to deliver to his successor the city prison, process, documents and prisoners in his charge, as herein required, such successor may, notwithstanding, take possession of said city prison, and command the aid of the constables and police of the city in aiding him to take possession of said city prison, and of the prisoners therein confined and may compel the delivery of such process and documents in the manner prescribed in chapter two hundred ninety-five of Howell's annotated statutes and acts amendatory thereof.

Refusal.

Powers etc., of marshal.

SEC. 4. The city marshal shall, under the control and direction of the common council, be entitled to the custody of the city prison and shall be keeper thereof and have charge of all prisoners confined therein. Said prison shall be known as the city prison and it shall be lawful to confine therein persons charged with crime or offenses against the city ordinances while their examination and trial is pending. The keeper of said prison shall have all the power of the keeper of a common jail for the purpose of confining prisoners therein, or for detaining witnesses. All laws, rules and regulations which now, or hereafter may apply to common jails of counties shall apply to said prison, and if any person shall break, or unlawfully enter, or attempt to break or unlawfully enter said prison he shall be punished in the same manner as prescribed in the case of similar offenses against county jails, and whoever shall aid any person, lawfully confined therein, in escaping or attempting to escape therefrom, shall be punished in the same manner as in the case of aiding any person

to escape, or attempting to escape from any county jail in this State.

## CHAPTER XV.

### FIRE DEPARTMENT.

SECTION 1. The common council shall have power to enact such ordinances and establish and enforce such regulations as it may deem necessary to guard against the occurrence of fires, and to protect the property and persons of citizens against damages and accidents therefrom, and for this purpose shall establish, organize and maintain a regular and volunteer fire department; organize and maintain fire, hose and hook and ladder companies; employ and appoint firemen, and make and establish rules and regulations for the government of the fire department, the employes and firemen, and officers thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the department, and prescribe the powers and duties of such employes, firemen and officers.

Management  
and govern-  
ment of.

SEC. 2. The common council shall also have such further powers and duties in relation to fires and to the prevention thereof, and to the fire department of the city, not inconsistent with this act, as are conferred by the provisions of chapter twenty-nine of act two hundred fifteen, of the public acts of eighteen hundred ninety-five, and acts amendatory thereof.

Further  
powers of  
council.

## CHAPTER XVI.

### PUBLIC HEALTH.

SECTION 1. The common council shall have power and it shall be their duty, to adopt measures for the preservation of the public health of the city, and to restrain or prohibit the exercise of any unwholesome avocation within the limits of the city. The common council shall be the board of health of the city, and shall have all the power now or hereafter conferred on township boards of health, in addition to the powers herein granted, and shall take measures to secure the inhabitants of said city from contagious, malignant and infectious diseases; and they shall have authority to make all such ordinances, by-laws and regulations for the preservation of the health of the inhabitants of the city, as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act; but acting as a board of health they shall still be known as the common council and not as the board of health.

Board of  
health.

SEC. 2. The mayor shall as heretofore provided, appoint a competent physician, duly authorized to practice under the laws of the State, to be health officer of the city.

Health officer,  
appointment.

Powers of  
board and  
officer.

SEC. 3. The common council, as such board of health, and the health officer duly appointed by them, shall have all the powers and authority conferred upon townships, villages and cities by the general laws of this State that are now or may hereafter be in force, when not inconsistent with the provisions of this act, and it shall be the duty of the common council and said health officer to see that all the powers and duties therein required to be performed are promptly done.

## CHAPTER XVII.

### CEMETERIES.

How  
acquired.

SECTION 1. The city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may provide; and the council may cause any body buried within the city in violation of any rule or ordinance made in respect to such burials to be taken up and buried elsewhere.

May make  
appropriations for.

SEC. 2. The council may, within the limitations of this charter, raise and appropriate such sums as may be necessary for the purchase of such cemetery grounds and the improvement, protection and care thereof.

Board of  
cemetery  
trustees,  
appointment,  
term, etc..

SEC. 3. The mayor shall appoint four of the members of the common council, to be known as the committee on cemeteries, who, with the city clerk, shall constitute a board of cemetery trustees. Two of the trustees so appointed shall be from among the aldermen whose terms of office soonest expire and they shall serve for one year; and two from those aldermen who have two years to serve; who shall serve for two years. Their terms of office shall date from the first Monday of May in the year when appointed and annually thereafter the mayor shall appoint two trustees from among the newly elected aldermen. Said appointment shall be made at the same time as the other annual appointments are made under the provisions of this act and shall be announced to the common council at the same time. The mayor may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

Chairman  
clerk of board.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be clerk of the board, and the council may by ordinance, invest the board with such powers and authority as may be necessary for the care, management and preservation of such cemetery

grounds, the tombs and monuments therein, and the appurtenances thereof, and in addition to the duties herein mentioned the board shall perform such other duties as the council may prescribe.

SEC. 5. Said board, subject to the direction and ordinances of the common council, shall have the care and management of such cemetery or burial place, or places, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out in lots, avenues and walks to be named, and plats thereof to be made and recorded in the office of the city clerk and to fix the price of lots and make the sales thereof. The conveyance of such lots shall be executed on behalf of the city by the clerk and be recorded in his office at the expense of the purchaser.

Management  
of cemetery.

Conveyance  
of lots.

SEC. 6. Said board shall appoint the necessary superintendent and employes for the cemetery; expend the money provided for the care and improvement of the grounds, enforce ordinances of the city made for the arrangement and care thereof; and make regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city, this act and the laws of the State.

Further  
powers, etc.

SEC. 7. All money raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury and constitute a fund to be denominated the cemetery fund. Said fund shall not be devoted or applied to any other purpose except the purpose of such cemeteries. The board of trustees shall report to the council annually on the second Tuesday in March, and oftener when the council shall require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom; and the date, amount, items and purposes of all expenditures and liabilities incurred and to whom paid and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by oath of the clerk of the board.

Cemetery  
fund.

Report of  
board.

SEC. 8. The council may pass and enforce all ordinances necessary to carry into effect the provisions herein and to control or regulate such cemetery or burial place or places and the improvements thereof, and to protect the same and the appurtenances thereof from injury, and to punish all violations of any lawful orders or regulations made by the board of cemetery trustees.

Council to  
pass  
ordinances  
for protection  
of cemeteries.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof and the appurtenances thereto.

To protect  
sectarian  
cemeteries.

## CHAPTER XVIII.

## PUBLIC LIBRARY.

Free public  
library.

SECTION 1. There is hereby recognized and established, and the council of the city of Ironwood shall have power to maintain a free public library for the use and benefit of the inhabitants of said city, and the public library now being maintained by said city is hereby recognized as the free public library of said city and the same shall hereafter be managed, controlled and maintained under the provisions of this act, and shall be designated by such appropriate name as the council shall prescribe.

Board of  
library  
trustees, of  
whom to  
consist,  
term, etc.

SEC. 2. There is hereby constituted a board of library trustees for said city to consist, besides the mayor, of five citizens at large of said city, to be appointed by the mayor, with the approval of the council, with reference to their fitness for such office and the mayor shall ex-officio, be a member of said board. Such appointments shall be made as soon as convenient after this act shall take effect, and in making such appointment one member thereof shall be designated to hold office for the term ending one year from the first Monday in May, nineteen hundred seven, one for the term ending two years, one three years, one four years and one five years from and after that date, and the terms of the trustees so to be appointed shall commence immediately upon such appointment, and at the first council meeting in May, nineteen hundred seven, and of each year thereafter, one trustee shall be appointed for the term of five years, in the place and stead of the trustee whose term then expires:

Proviso.

*Provided*, That in making the appointment of trustees so first to be made hereunder, the members of the existing board may be recognized or reappointed for the terms at least equal to the unexpired portions of their present terms. In case of a vacancy in the office of any such trustee such vacancy may be filled by appointment in manner herein provided for original appointments; trustees appointed hereunder shall serve without compensation and shall be subject to removal by the mayor for negligence or want of attention to duties of the office, or for any misuse of their trust. The terms of the office of the trustees to be appointed hereunder shall continue, respectively, until their successors are appointed, unless removed under the provisions hereof; and the existing board of library trustees shall have control of the affairs of the library, under the provisions hereof, until the new board of library trustees herein provided for shall be appointed.

Organization.

SEC. 3. Said board of trustees shall, immediately after appointment, and annually after the appointment of a new member thereof, organize the board by the election of one of its members as president, and one as vice president of the board.

SEC. 4. The board shall have power to appoint a librarian, and one or more assistant librarians, and such janitors and other assistants or servants as may be required, and may fix their compensation and terminate their appointments at pleasure. The librarian shall be the secretary of the board.

To appoint  
librarian.

Secretary.  
Charge of  
library.

SEC. 5. The said board of library trustees shall have full and complete charge of the property and affairs of the library, and the disbursement of the library fund, subject to such direction, provision and limitation as shall be from time to time prescribed by the council.

SEC. 6. The said board shall keep a full and complete record of its proceedings, and of its receipts and disbursements, in books to be provided therefor, and the same shall be kept as public records, in the office of said board, which shall be at the public library.

Record of  
proceedings.

SEC. 7. The said board shall have power to establish rules and regulations for its own procedure and for the conduct of the library, and the protection, use and management thereof, and of the library buildings and lot, and may prescribe and regulate the duties of all officials and employees: *Provided*, Such rules and regulations shall not conflict with any ordinance of the city.

Prescribe  
rules.

Proviso.

SEC. 8. Said board shall, annually on or before the first day of March in each year, and oftener when required so to do by the council, render to the council of said city a statement of the condition of their trust at the date of their report, the various sums of money received from the library fund, and from other sources; the various sums expended and the purposes thereof; the number of books and periodicals on hand; the number lost or missing; the number of books loaned out; and the general character and kind thereof; the number of visitors registered, and such other statistics, information and suggestions as they may deem of general interest.

Statement,  
when and to  
whom made.

SEC. 9. The board shall, each year, prior to the passage of the annual appropriation bill by the council, render to the council an estimate of the amount necessary to be provided as the probable expense of the library for the ensuing year.

Board to  
make  
estimates.

SEC. 10. The council shall annually provide such library fund as may be required to meet the reasonable expense of maintaining and conducting the library, not to exceed one mill on the dollar, and not less than such amount as is required by the condition of any gift of library property accepted by said city. The council shall have the power to and shall raise by tax, in the usual manner, the whole, or such part of such amount as shall not otherwise be provided to supply said library fund, as hereinafter referred to. All moneys which by the constitution and laws of the State are made applicable to library purposes within the territory comprising said city of Ironwood, shall be payable to and be paid into the library fund of said city for the support and maintenance of said library under the provisions hereof.

Library  
fund,  
limit.

Title in whom vested.	SEC. 11. The title to all property held or procured for library purposes shall be placed or taken in the name of the city of Ironwood.
Power of council to take property for.	SEC. 12. The council alone shall have power to procure and take by gift, grant, purchase or in any manner provided by law, on such terms and conditions as shall be prescribed, real estate for library purposes, and may construct such buildings as it thinks proper therefor.
Books, etc., trustees may procure.	SEC. 13. The board of library trustees shall have power to procure and take by gift, or by purchase, within such restrictions as the council may by ordinance prescribe, library books, furniture, appliances, ornaments, and other personal property appropriate for use or preservation in connection with the library and library property.
Reading rooms.	SEC. 14. The board of trustees shall establish, in connection with the library, such reading room, or rooms, as it may think fit and proper, and regulate the use thereof.
Use of, by clubs, etc.	SEC. 15. The board of trustees shall have power to permit the use of the reading and assembly rooms by associations or clubs organized for literary or educational purposes, at such times and on such terms and subject to such restrictions as said board shall prescribe.
Library moneys, how paid out.	SEC. 16. Expenditures of the library moneys by said board of trustees shall be paid from the treasury on appropriate orders signed by the mayor and the city clerk, which orders shall only be issued after the allowance thereof by said board, and certification of such allowance by the secretary of said board to the city clerk.
Quorum.	SEC. 17. A majority of the board shall constitute a quorum and by its rules said board may provide for stated and special meetings, and for the appointment of officers pro tem., and such other regulations as may to it seem proper for the management of library affairs.
Council power to impose penalties.	SEC. 18. The council shall have power to pass ordinances imposing suitable penalties for the punishment of persons inflicting injury upon library property or trespassing thereon, or for wilful injury to, or failure to return, any book belonging to the library, or for the violation of any rules and regulations governing the same.

## CHAPTER XIX.

### CITY DEPOSITORY.

Council to approve.	SECTION 1. Any bank, banks, or banking institution which shall be approved by the common council of the city of Ironwood may, upon filing bonds as hereinafter provided, and upon compliance with all other requirements of law become a city depository.
Depository to file bond.	SEC. 2. Every such city depository before it shall be entitled to receive any public moneys shall file with the city clerk



a good and sufficient bond, conditioned for the payment upon demand, to the city treasurer or to his order upon a check signed by the mayor and city clerk, and countersigned by said treasurer as hereinafter provided, all moneys deposited with it and of interest thereon at the rate agreed upon as hereinafter provided with not less than five sureties resident and freeholders of this State, who shall together be worth in property within this State, not exempt from execution over and above their debts and liabilities, double the amount of said bond, and who shall justify such responsibility by their several affidavits, which said bond and sureties shall, before such filing, have been approved by a vote of two-thirds of the members elect of the common council of said city, and no officer of said bank shall be accepted as a surety on said bond, but such bond shall accompany the bid hereinafter provided for, and if such bid and bond are accepted and approved the same shall be retained by said city and from the dates of such acceptance be obligatory upon all persons executing said bid and said bond; and no such bond shall be approved until the common council shall be fully satisfied both that said bond is good and sufficient, and that the bank, banks or banking institution offering it is prosperous and financially sound: *Provided, however,* That the common council may, in lieu thereof, require of all such banks or banking institution a surety bond in companies licensed to do business in this State. Said bond to be conditioned as hereinbefore provided for.

Sureties.

Approval.

Proviso,  
surety bonds.

SEC. 3. It shall be the duty of the city clerk in each year, within ten days after his qualifications or as soon thereafter as possible, to advertise in one or more newspapers in the city of Ironwood, and if the public interest requires, in one or more newspapers published in the county of Gogebic, State of Michigan, or elsewhere in said State once a week for at least two successive weeks, for proposals to receive the city funds on deposit, for one year from the date or dates when the bonds hereinbefore required to be given by such depository shall have been approved and filed with the city clerk as hereinbefore provided and until the city shall designate other depository or depositories. Proposals hereunder shall be filed with the city clerk at least one day before the next regular meeting of the common council succeeding the expiration of the time herein required for advertisement, and shall state what interest shall be allowed and credited to the city upon the daily balances of funds belonging to it and shall also provide that all such public moneys and accrued interest, if any, shall be held subject to check, and payment at all times on demand as hereinafter provided. After advertising as above provided and the receipt of such proposals and bonds and approval thereof, it shall be the duty of the common council to designate, in its discretion, a city depository or depositories. And when such depository or depositories has or have been so designated, the city clerk shall forthwith notify the city

Clerk to  
advertise for  
proposals.Where filed,  
what to state,  
etc.Council to  
designate  
depository.

New bond,  
etc.

treasurer to that effect and name in such notice the depository or depositories so designated. If said common council at any time after such designation deem the surety given by any such depository insufficient, it may require a new bond to be approved as provided in section two of this chapter, and if, in its opinion, the public interest require, it may vacate, revoke or modify its designation of a depository in any way, and may again designate a depository or depositories in the same manner as hereinbefore provided. And whenever a new bond shall be required of any depository, or if such depository shall be revoked the treasurer, mayor and city clerk shall immediately withdraw all public money therefrom.

Treasurer,  
duty of.

SEC. 4. Whenever the common council shall designate a city depository, or depositories, it shall be the duty of the city treasurer, as soon as such depository or depositories has or have filed the bond provided for in section two of this act, and said bond has been duly approved as provided in said section, to forthwith deposit all funds in the city treasury, and all that may thereafter come into his hands as city treasurer in such depository or depositories, and in case more than one depository is designated such funds shall be divided and deposited as hereinafter provided between all such depositories, or as may be directed by the common council, and with each deposit, such depository shall deliver to said treasurer a proper receipt or voucher therefor; and any sum so deposited shall be deemed to be in the city treasury, and the city treasurer shall not be liable for any loss thereof resulting from failure or default of any such depository, and without fault or negligence on the part of said treasurer, his assistant or employees.

Money, how  
paid out.

SEC. 5. No money shall be paid by any such depository except upon a treasurer's check signed by the mayor and clerk of said city and countersigned by the city treasurer, which check upon payment shall be immediately canceled by the payer, and all checks paid shall be, by such payer at least once a month and whenever directed by the mayor or common council, delivered to the city clerk who shall keep the same on file in his office.

Monthly  
statement.

SEC. 6. Every city depository shall, on the first day of each month and oftener when required by the mayor of said city or by the common council file with the city clerk a sworn statement of the amount of city moneys deposited with it, setting forth the date and amount of each deposit in said month, and the city treasurer at the same time, and as often as required by the mayor of said city or the common council, shall file with the city clerk a sworn statement showing the amount received and disbursed since the date of filing his last report, together with the dates of such receipts and disbursements, the fund or funds to which the same is credited and against which the same is drawn, and the depository or

depositories in which the same were deposited or drawn from.

SEC. 7. The amount at any time on deposit with any city depository shall not exceed one-half the penalty of the bond filed by it in accordance with section two, nor shall it exceed the amount prescribed by the common council, if any be prescribed by it. Limit of deposit.

SEC. 8. Each depository shall, quarterly, within ten days after the first day of January, April, July and October of each year, make and file with the city clerk a full statement of all deposits and payments of public moneys during the preceding quarter, together with a computation and statement of the interest earned thereon, computed upon the daily balance on deposit, which interest shall thereupon be added to and become part of the deposit balance; such statement shall be accompanied by an affidavit of the cashier of such depository, to the effect that such statement is in all respects true and correct, and that, except for the interest therein credited, neither said depository, nor any officer, agent or employee thereof, nor any person in its behalf, has in any way whatsoever, given, paid or rendered or promised to give, pay or render, to the city treasurer or to any other person, any money, credit, service or benefit whatsoever, by reason of, or in consideration of, the deposit with it of any portion of the public moneys. Any person who shall make any false statement in any affidavit required by this act, shall be deemed guilty of the crime of perjury. The total interest paid by all city depositories shall be apportioned by the common council, and added to and become a part of such funds as said council may designate. Quarterly report.  
Affidavit to accompany.  
False statement, penalty.

SEC. 9. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city except as otherwise in this act provided, or as provided by the common council. He shall deposit daily in the city depository or depositories all moneys which may come into his hands. He shall at all times when required to do so by the mayor or the common council forthwith make and file with the city clerk a sworn statement of the condition of the treasury, or of any fund or funds provided by the council, and his doings as treasurer and as otherwise provided in this act shall be governed by the general statutes and laws of this State. He shall, except as otherwise herein provided, have all the powers and perform all the duties required of the treasurer in townships in this State, and shall collect the funds and perquisites allowed as provided by the general laws in this State to be received by the treasurer of townships, which fees and perquisites shall belong to and be the property of the city of Ironwood; and said treasurer shall forthwith on collection of any such fees or perquisites pay the same into the city treasury and to the credit of an account known as "Fees and perquisites accounts," and it shall be the duty of the common council Treasurer to be custodian.  
Daily deposit.  
Sworn statement.  
Powers, etc.  
Fees accounts.

Office.	to apportion such sums among the several funds of the city as it may deem proper. He shall keep his office in the city hall in a room which it shall be the duty of the common council to provide. The treasurer shall only pay out and disburse the moneys under his control or on deposit with any depository or depositories designated by the city upon the order of the common council and upon presentation to him of warrants duly signed by the mayor and clerk of said city, which said checks when, and only when, the same shall be attached to said warrants, he shall immediately countersign and detach from the warrants attached and deliver to the person to whom the same is payable and take such person's receipt therefor on said warrant, and said warrant so receipted he shall immediately cancel and file as vouchers in his office for the corresponding check so countersigned by him:
Moneys, how paid, warrant, etc.	
Proviso.	
	<i>Provided, however,</i> That he shall countersign and deliver checks to pay school moneys upon vouchers, warrants and checks duly signed by the proper authorities having charge of the public schools in said city, duly cancelling and retaining such warrants and vouchers in his office.

## CHAPTER XX.

### COST OF IMPROVEMENTS—SPECIAL ASSESSMENT.

Act to govern.

SECTION 1. Whenever the city shall make any public improvements such as paving the streets and alleys and building sidewalks and curbing in the streets of said city, or sewers, both trunk and lateral, and the ordinances of the city require that the whole or a portion of the expense in building the same shall be borne by the premises benefited thereby, and that such expense shall be collected by special assessment upon said premises, then the said expense shall be assessed, levied, collected and returned according to the provisions of chapter twenty-four of act number two hundred fifteen of the public acts for the year eighteen hundred ninety-five, and all acts amendatory thereof which may now be or hereafter shall be in force.

## CHAPTER XXI.

### MISCELLANEOUS.

Fiscal year.

SECTION 1. The fiscal year of the city shall begin on the first day of March in each year and all annual reports required by this act to be made shall include all the transactions of the several departments of the city respectively up to and including the last day of February preceding.

Suits, where commenced.

SEC. 2. No suit at law shall be commenced against the city except in a court of record; but the city shall have the right to bring or commence any suit in any court of the State having original jurisdiction of the subject matter.

SEC. 3. All suits by or against the city shall be in the corporate name thereof and all process or other papers in any such suit shall be served on the city by leaving a copy thereof with the mayor or city clerk: *Provided*, That after the city shall have appeared in any suit by attorney, all subsequent notices and papers required to be served therein shall be served upon such attorney as in other cases.

How  
brought, etc.

Proviso.

SEC. 4. No property in the city, except that exempt under the general laws of the State, shall be in any manner exempted from taxation, and it shall be unlawful for the common council to in any manner evade the provisions of this section except as provided for in section fourteen of chapter eight.

Property  
exempt.

SEC. 5. All books, records, documents, files, papers, plats, etc., of the city, shall be open to public inspection by the electors of the city at all reasonable hours and under such proper restrictions as the common council may impose.

Records, etc.,  
inspection of.

SEC. 6. Whenever in this act the word council is used, it shall be deemed and construed to mean the common council of the city. The term city whenever used in this act shall be construed to mean the municipal or city corporation created under this act. Whenever it becomes necessary to give effect to any of the provisions of this act all courts shall hold the singular number to mean plural and the plural number to mean singular, and the words he, his, himself, shall be held to include she, her and herself whenever used in this act.

Certain words  
defined.

SEC. 7. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys, within the city, except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the clerk of the city a correct survey, plan and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots and streets and alleys with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of the register of deeds of the county of Gogebic until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and dedication has been approved by the council; nor shall the city by reason of such approval, be responsible for the improvements, care and repair of such streets and alleys excepting such as the council shall accept and confirm by ordinance or resolution as in this act provided.

Platting of  
lots, etc.

SEC. 8. When by the provisions of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be made by publication, or by the person posting the same, when required to be by posting, shall be prima facie evidence of the facts therein contained:

Evidence of  
publication,  
etc., of notices.

Proviso.	<i>Provided</i> , The same shall be filed with the city clerk within six months from the date of the last publication thereof, or of posting the same.
Indebtedness, limit of.	SEC. 9. The total indebtedness of the city for all purposes, either directly or indirectly, whether as bonds, mortgages, liens or evidences of debts of whatever kind or form, shall at no time exceed in amount the sum of five per cent of the total valuation of the city of Ironwood as equalized by the board of supervisors of Gogebic county in the year eighteen hundred ninety-six.
Present incumbents not affected.	SEC. 10. The terms of office of all officers holding office under and by virtue of the former incorporation of the city of Ironwood, at the time this act goes into effect, shall not be affected by this act. Said officers shall, however, be subject to the provisions for removal from office and all other requirements and provisions herein contained and not in conflict with this section.
Repealing clause.	SEC. 11. All acts or parts of acts, so far as the same are inconsistent with the provisions of this act, are hereby repealed. This act is ordered to take immediate effect. Approved May 29, 1907.

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[No. 571.]

AN ACT to provide for the assessment of property and the making and extending of the township tax roll of the township of Ecorse, in the county of Wayne, and the delivery of such tax roll to the township treasurer and for the collection of the taxes levied therein.

*The People of the State of Michigan enact:*

Assessment roll, when made, etc.	SECTION 1. On or before the third Monday of June in each year, the supervisor of the township of Ecorse in the county of Wayne shall make and complete an assessment roll, which assessment roll shall be made in the manner provided by the provisions of the general tax law, except as hereinafter provided.
When reviewed, etc.	SEC. 2. On the Tuesday next following the third Monday in June, the board of review of said township shall meet at the office of the supervisor of said township; at which time the supervisor shall submit to such board the assessment roll for the current year as prepared by him, and the said board shall proceed to examine and review the same as provided by the provisions of the general tax law.
Township treasurer, when notified of apportionment of certain taxes.	SEC. 3. The supervisor of such township on or before the fifteenth day of November in each year shall notify the township treasurer of the amount of the State and county taxes as apportioned to his township, and such treasurer on or before the twenty-fifth day of November shall give to the county

treasurer a bond running to the county in double the amount of State and county taxes, with sufficient sureties, to be approved by the supervisor of the township and the county treasurer, conditioned that he will pay to the county treasurer as required by law, all State and county taxes which he shall collect during his term of office, and duly and faithfully perform all the other duties of his office. The county treasurer shall file and safely keep such bond in his office, and shall give to the township treasurer a receipt stating that he has received the bond required, which receipt the township treasurer shall deliver to the board of review on or before the seventeenth day of December. The board of review, after the delivery of such receipt, and on or before the seventeenth day of December, shall deliver to the township treasurer the tax roll of his township.

When to give bond.

Bond, filing of, etc.

When tax roll delivered to.

SEC. 4. On the tenth day of December of each year, before such assessment roll shall be delivered to the township treasurer, the said board of review shall, in addition to its other duties, employ a competent accountant to be paid out of the general fund of the township upon an order signed by such board of review, and together with such accountant shall carefully foot the several taxes levied upon such assessment roll and shall give to the township clerk of said township a statement thereof and of each tax in writing, and such clerk shall immediately charge the amount of such taxes to the township treasurer of said township.

Accountant, employment and compensation of.

SEC. 5. On receiving such tax roll the township treasurer or other collector shall proceed to collect such taxes. The township treasurer shall remain in his office at some convenient place within said township of Ecorse on every Tuesday, Thursday and Saturday in the month of December thereafter and until the twenty-seventh day of January of the succeeding year from nine o'clock a. m. until six o'clock p. m. to receive taxes: *Provided, however,* That he shall receive taxes upon any week day when they may be offered and on all sums voluntarily paid before the twenty-seventh day of January of the succeeding year he shall add one per cent for collection fees, and upon all taxes paid on or after the twenty-seventh day of January he shall add four per cent for collection fees.

Taxes, time of collection of.

Proviso, collection fees.

SEC. 6. On each and every year in which the State Board of Equalization shall meet the supervisor of said township shall have the power to employ, to be paid out of the general fund of the township, sufficient clerical assistance to complete such tax roll and on such years the board of review of said township shall meet for the purpose of reviewing said tax roll as required by the general tax law.

Tax roll, completing and reviewing of.

SEC. 7. Except as herein provided, the supervisors and township treasurer shall proceed to collect the taxes of the township of Ecorse in the manner provided by law for the collection of taxes in townships.

Taxes, manner of collecting.

This act is ordered to take immediate effect.

Approved May 29, 1907.

[No. 572.]

AN ACT to authorize the township of Norway, in the county of Dickinson, and State of Michigan, to borrow money and issue bonds therefor, the proceeds of which are to be used in the improvement of the burying ground in said township.

*The People of the State of Michigan enact:*

Loan,  
amount of.

SECTION 1. The township of Norway in the county of Dickinson shall be and hereby is authorized to borrow money on the faith and credit of said township, and issue bonds of said township therefor to an amount not to exceed three thousand dollars, which shall be expended for the improvement of the burying ground in said township under such rules and regulations as the township board of said township shall prescribe: *Provided*, That two-thirds of the electors of said township voting at an election in accordance with the provisions of this act shall vote in favor of said loan in the manner specified in this act and not otherwise.

Proviso,  
question sub-  
mitted to  
electors.

Special  
election.

SEC. 2. The question of raising the said money and issuing such bonds shall be submitted by the township board of said township to the electors thereof and the vote shall be taken as near as may be in accordance with the provisions of the statutes for holding special elections for the purpose of raising money by bonding townships. The township board shall have power to order a special election when it may, by said board, be deemed necessary to carry out the provisions of this act, and the proceedings held at such special election shall be the same as at general elections held within said township, except that those electors voting for the said loan shall have written or printed on their ballots the words: "For the loan," and those voting against the said loan shall have written or printed on their ballots the words: "Against the loan."

Form of  
ballot.

Bonds, how  
issued, paid,  
etc.

SEC. 3. If said loan shall be authorized by two-thirds of the electors voting at such special election, said bonds shall be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest, not exceeding six per centum per annum, as said township board shall direct, and shall be signed by the supervisor of said township and countersigned by the clerk of said township, and negotiated by or under the direction of said township board, and the money raised therefrom shall be appropriated in such manner as the said township board shall determine for the purpose aforesaid. And the said township board shall have the power, and it shall be the duty of said township board to raise by taxation upon the taxable property of said township such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereof as fast as the same shall become due.

Tax clause.

This act is ordered to take immediate effect.

Approved May 29, 1907.



[No. 573.]

**AN ACT** to amend sections one and two of chapter one; sections one and two of chapter two; sections six, seven and eleven of chapter nineteen; section four of chapter twenty; and sections one, two, three, seven and twelve of chapter twenty-two of an act, entitled "An act to incorporate the city of Grand Ledge, in the county of Eaton, and to repeal act number two hundred sixty of the session laws of eighteen hundred seventy-one, and all acts amendatory thereof," being act number three hundred twenty-two of the local acts of eighteen hundred ninety-three, and being the charter of the city of Grand Ledge, and of all acts and parts of acts amendatory of said sections and chapters.

*The People of the State of Michigan enact:*

**SECTION 1.** Sections one and two of chapter one; sections one and two of chapter two; sections six, seven and eleven of chapter nineteen; section four of chapter twenty; and sections one, two, three, seven and twelve of chapter twenty-two of act number three hundred twenty-two of the local acts of eighteen hundred ninety-three, entitled "An act to incorporate the city of Grand Ledge, in the county of Eaton, and to repeal act number two hundred sixty of the session laws of eighteen hundred seventy-one, and all acts amendatory thereof," being the charter of the city of Grand Ledge, and all acts and parts of acts amendatory of said sections and chapters, are hereby amended to read as follows: Sections amended.

## CHAPTER I.

### INCORPORATION AND BOUNDARIES.

**SECTION 1.** All that tract of country situated in the township of Oneida, in the county of Eaton, in the State of Michigan, which is known and described as follows, to wit: The southwest quarter of section one, except that part of the east half of the said southwest quarter of section one lying north of the northwest line of lands belonging to the Pere Marquette Railroad Company; the south half of section two, all that part of the southeast corner of the southeast quarter of section three, as is bounded by Sandstone creek; all that part of the northeast corner of the northeast quarter of section ten, as is bounded by Sandstone creek; all of section eleven, excepting the west half of the southwest quarter and the east sixty-eight rods of the southeast quarter of the southeast quarter of said section eleven; the west half of the northwest quarter of section twelve, all that portion of the east half of the northwest quarter of section twelve lying on the northerly side of Grand river, and the northwest quarter of the south- Territory included.

west quarter of section twelve, in township four north of range four west, is hereby set off from said township, and is hereby constituted and declared to be a city, by the name of the city of Grand Ledge; and the freemen of such city, from time to time being inhabitants thereof, shall be and continue to be a body corporate and politic, by the name of "the city of Grand Ledge," and by that name it shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits; they shall have a common seal, which the city council may alter at pleasure, and shall be capable of purchasing, holding, conveying and disposing of real and personal estate for the use of said corporation.

Wards.

First.

Second.

SEC. 2. The said city for the time being shall be divided into two wards as follows: The first ward shall embrace all of the territory of said city lying south of Grand river. The second ward shall embrace all of the territory of said city lying north of Grand river and including all islands in said river within the city limits.

## CHAPTER II.

### REGISTRATION AND ELECTIONS.

Qualifications  
of electors.

SECTION 1. The inhabitants of the city of Grand Ledge, having the qualifications of electors under the constitution of the State of Michigan, to vote at general elections, and no others, shall be electors therein. Every elector shall vote in the ward where he shall have resided during the twenty days next preceding the day of election; the residence of any elector, not being a householder, shall be deemed to be in the ward in which he boards or takes his regular meals.

Board of  
registration.

When to make  
re-registration.

In 1912, etc.

Notice of  
registration.

SEC. 2. The aldermen of each ward shall constitute the boards of registration for the several wards of the city. Such boards shall severally have the same powers and perform the same duties and in like manner as near as may be as township boards of registration in the State. They shall meet on the Friday and Saturday preceding the general election in November in the year nineteen hundred eight, and shall make a re-registration of the qualified electors of their respective wards in books of the form provided by law. The same rules shall be observed in such re-registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward shall be made at a session of the board on the Friday and Saturday preceding the general election in November in the year nineteen hundred twelve and on the same days every fourth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall

be given with the notice of the meeting<sup>1</sup> or session of the board at which it is to be made. The board of registration for each ward shall also meet on the Saturday preceding any election for the purpose of completing the lists of electors for their respective wards. The general laws of this State respecting the registration of voters shall be deemed and taken as part of this chapter so far as consistent therewith. Meetings, etc.

## CHAPTER XIX.

### SEWERS, DRAINS AND WATER COURSES.

SEC. 6. The council may, however, provide for main or trunk sewers or outlets with or without reference to general or special sewer districts and, for the purpose of paying the expense incident to the establishing, continuing, completing or maintaining such sewers, it may cause such special taxes to be assessed upon all the property in any one or more special sewer districts or in any general sewer district as it shall deem proper, designating the amount thereof and the district or districts upon which such special taxes are to be assessed and the construction and maintenance of such sewers or outlets and the assessment and collection of such special taxes shall be in all respects governed by the provisions of the charter of the city of Grand Ledge as amended. Council may establish main sewers and assess special tax.

SEC. 7. The cost and expenses of establishing and making any main or trunk sewer or sewer outlet, constructed with or without reference to sewer districts, shall be paid in such proportions as the council shall determine by resolution out of the special sewer district fund, if any, created therefor and out of the general sewer district fund of the district in which said sewer or sewer outlet is located, or partly out of such special sewer district fund and partly out of the fund of any one or more pre-existing special sewer districts and partly out of the general sewer district fund of the general sewer district in which such sewer is located, or wholly out of the general sewer district fund of the district in which it is located, but such part as the council shall determine, being not less than one-sixth of the cost and expense of any special district sewer or of any lateral branch or local sewer constructed within any special sewer district shall be paid from the general sewer district fund of the general sewer district of which said special sewer district forms a part, and the remainder of such cost and expense shall be defrayed by special assessment upon all such lots, pieces and parcels of land and premises, and included within the main or special sewer districts as the case may be, as, in the opinion of the council will be benefited by the improvement, in proportion to the estimated benefits accruing to each parcel respectively, from the construction of the sewer. Assessments according to benefits as aforesaid, shall be made without reference to any improvements or buildings upon the lands. Cost of sewers, etc., how paid.

Assessments, how made.

Construction  
of sewer,  
on petition of  
property  
owners.

SEC. 11. When the owners of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases, where no such petition is presented, sewers shall be constructed in the discretion of the council, but nothing in this section contained shall be construed as curtailing the powers of the common council in relation to the establishing, constructing and maintaining of sewers and drains as set forth in sections one, six and seven of chapter nineteen of the local acts of eighteen hundred ninety-three, as amended.

## CHAPTER XX.

### COSTS OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

Expenses  
estimated,  
etc., before  
ordering  
improvements.

Publishing  
notice of, etc.

SEC. 4. Before ordering any public improvements or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of, the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least in one of the newspapers of the city, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to the proposed improvement.

## CHAPTER XXII.

### FINANCE AND TAXATION.

Fiscal year,  
when to  
commence.

Expenses and  
liabilities,  
defraying of.

Funds.

SECTION 1. The fiscal year of said city shall commence on the first secular day in the month of March in each year unless otherwise provided by ordinance.

SEC. 2. The council of said city shall have authority within the limitations herein prescribed, to raise annually by taxation within the corporation, such sum of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this act granted.

SEC. 3. The revenues raised by general tax upon property in the city, or by loan to be repaid by such tax, may be divided into the following general funds:

First, General fund, to defray the general and other expenses of the city, for the payment of which from some other fund no provision is made;

Second, Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

Third, General street fund, to defray the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds, and for grading, paving, curbing, graveling and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks, and for the care thereof;

Fourth, A general sewer fund for each general sewer district which is now or may hereafter be established by ordinance or resolution of the common council to defray the expense of sewers, drains, ditches and drainage and the improvement of water courses, and no sewer tax raised in any general sewer district shall be expended for any purpose outside of the general sewer district from which it was collected;

Fifth, Bridge fund, for the construction, care and maintenance of bridges;

Sixth, Water fund, for constructing reservoirs and cisterns, and providing other supplies of water;

Seventh, Public building fund, for providing for public buildings, and for the purchase of lands therefor, and for the erection, preservation and repair of any such public buildings, city halls, offices, prisons, watch houses and hospitals, as the council is authorized to erect and maintain, and not herein otherwise provided for;

Eighth, Police fund, for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;

Ninth, Cemetery fund;

Tenth, Interest and sinking fund, for the payment of the public debt of the city and the interest thereon;

Eleventh, Such other general funds as the council may from time to time constitute.

SEC. 7. In addition to the above amounts the council may raise by special assessment in general sewer districts and other special assessment districts for the purpose of establishing, constructing and maintaining or repairing sewers or sewer outlets, for grading and paving, curbing, graveling and otherwise improving the streets and for making any other local or public improvement or repairs chargeable upon the lands and property in the district according to frontage or benefit or as a special tax to be levied generally upon all the property in any such assessment district and for all other purposes for which the district sewer funds or other special improvement funds are constituted, such sums as it shall deem necessary.

Special assessments for sewers, etc., may be made.

SEC. 12. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of grounds therefor, or for other public improve-

City may vote additional taxes or loan.

ments or purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors voting upon the question at an annual city election or special election called for such purpose.

This act is ordered to take immediate effect.

Approved May 29, 1907.

[No. 574.]

AN ACT to increase the powers of the village council of the village of Cass City, in the county of Tuscola.

*The People of the State of Michigan enact:*

Council,  
power to  
construct  
telephone  
system.

SECTION 1. In addition to the powers conferred by the general laws of this State upon the village council of the village of Cass City, in the county of Tuscola, said council shall have power and authority to purchase or cause to be constructed a telephone system consisting of poles, lines, telephones, switch boards and other necessary equipment for the successful operation of the said system and for supplying the inhabitants of the said village of Cass City with the means of telephoning and transmitting telephonic messages within the village of Cass City. And the said council shall have power to contract with the inhabitants of said village of Cass City for the renting of telephones, and the payment of messages and messengers' services, and the passing of ordinances for the more successful operation of the said system.

Renting of  
telephones.

Council,  
power to  
construct  
dams across  
Cass river.

SEC. 2. The said village council shall also have power to purchase, build or construct dams upon and across Cass river in Tuscola county, outside of the corporate limits of the said village, for the purpose of providing and supplying power to operate the electric light and water works systems of the said village: *Provided*, That any dam or dams purchased or constructed after the passing of this act, by the authority of the said village council, shall be made and provided with shutes and other necessary equipment so as not to conflict with any of the laws of this State governing the building and construction of dams upon and across public streams.

Proviso, as to  
shutes.

Tax to meet  
appropriation.

SEC. 3. In appropriating money for the purchase of or construction of telephone systems or dams under the provisions of this act, the village council may raise by tax and expend a sum not exceeding three thousand five hundred dollars: *Provided*, That when a greater sum than three thousand five hundred dollars is required by the council for the purposes aforesaid, the proposition to raise, the amount to be raised and the manner of raising, whether by tax or loan,

Proviso,  
relative to  
submission to  
electors.

shall be submitted to the electors of the said village at its annual election, or at a special election called for that purpose by the council, and if two-thirds of the electors voting upon said proposition shall vote in favor of raising a sum greater than three thousand five hundred dollars by tax or by loan, the council may proceed to cause the sum to be raised in accordance with said vote, which vote shall be by ballot, and said election shall be governed as far as practicable by the provisions of act number three of the session laws for the year eighteen hundred ninety-five: *Provided further*, That no sum greater than five per cent of the assessed valuation of the property of said village, as shown by the last preceding tax roll, shall be raised for the purpose aforesaid. Further proviso.

This act is ordered to take immediate effect.

Approved May 29, 1907.

[No. 575.]

AN ACT to incorporate the village of Lincoln, in the county of Alcona, Michigan.

*The People of the State of Michigan enact:*

SECTION 1. The north half of section one, in town twenty-six north, range eight east, and the south half of section thirty-six, town twenty-seven north, range eight east, Gustin and Hawes townships, Alcona county, Michigan, is hereby incorporated as the village of Lincoln. Territory included.

SEC. 2. Henry C. Buchanan, John W. Blackwell and Theodore A. Ferris are hereby constituted a board of registration, a board of election inspectors and election commissioners for the first election to be held in said village, and the said board of registration is hereby required to meet at U. L. G. Hall in said village, on the Saturday next preceding said election, and remain in session from nine o'clock in the forenoon until five o'clock in the afternoon, and register all persons presenting themselves for registration, having the qualifications of voters at annual township meetings, and residing within said village. Board of registration, etc.

SEC. 3. The first election of officers of said village of Lincoln shall be held on the first Monday of June, nineteen hundred seven, at said U. L. G. Hall in said village, and at such election the polls shall be opened at nine o'clock in the forenoon and shall be closed at five o'clock in the afternoon. First election, when held.

SEC. 4. The said board of registration and the said board of election inspectors and election commissioners shall give public notice of the time and place of meeting of said board of registration and of the time and place of holding said election, Notice of registration, etc., publishing of.

at least one week immediately preceding the same, by posting notices of the same, signed by said persons, in three public places in said village.

Act governing. SEC. 5. The said village of Lincoln shall in all things not herein otherwise provided, be governed by an act, entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," approved February twenty, eighteen hundred ninety-five.

When election may be held later. SEC. 6. In case the officers of said village are not elected at the time designated in section three of this act, an election for officers may be held within thirty days after the time so designated, by giving the notices so provided in this act.

This act is ordered to take immediate effect.

Approved May 29, 1907.

[No. 576.]

AN ACT to confer additional powers upon the common council of the village of Reese, Tuscola county, for the regulation of the traffic in spirituous, malt, brewed, fermented and vinous liquors as a beverage within said village.

*The People of the State of Michigan enact:*

Saloons, number of, etc. SECTION 1. The common council of the village of Reese, Tuscola county, is hereby authorized and empowered to determine the number of places where intoxicating liquors as a beverage are to be sold within the corporate limits of said village, and to locate the place or places where such business shall be conducted.

Bonds, acceptance of. SEC. 2. The common council of said village of Reese is hereby authorized to examine and determine as to the character, habits and fitness of any person or persons wishing to engage in the business of selling intoxicating liquors as a beverage, within the corporate limits of said village, and may refuse to accept the bond of such person or persons if, in their judgment, the character and habits of such person or persons are such as to render them unfit to conduct such business.

This act is ordered to take immediate effect.

Approved May 29, 1907.



[No. 577.]

AN ACT to amend section one of chapter one of house enrolled act number one hundred eighty-six, entitled "An act to incorporate the city of East Lansing in the county of Ingham, and to define its boundaries and powers," approved May eight, nineteen hundred seven.

*The People of the State of Michigan enact:*

SECTION 1. Section one of chapter one of an act, entitled "An act to incorporate the city of East Lansing in the county of Ingham, and to define its boundaries and powers," approved May eight, nineteen hundred seven, is amended to read as follows: Section, amended.

#### CHAPTER I.

SECTION 1. All the following described territory situated in the county of Ingham and State of Michigan, to wit: Commencing at a point on the Lansing-Meridian town line, described as the northwest corner of section eighteen, town four north, range one west, running thence east on the north line of said section eighteen to the east line of the west half of the west half of the northeast quarter of the said section, thence south one hundred twenty-three rods, thence east twenty-five rods, thence south eighty-three rods to the center of the Lansing-Howell road, thence westerly on the center line of said road to a point described as the northeast corner of the Hedrick acre, thence south twenty rods on line of said acre, thence westerly along a line parallel to said center line eight rods to the east line of C. M. Chittenden's property, thence south to the south bank of Cedar river, thence easterly along said bank to the west line of section line highway, thence south on said west line to the division line between said section eighteen and section nineteen, town four north, range one west, thence west to the quarter line of said section nineteen, thence south along said quarter line to north line of section line highway, thence west along said north line of said highway to the Lansing-Meridian town line, thence north along said town line to a point seventy-eight rods north of the southwest corner of section thirteen, town four north, range two west, thence north sixty degrees, forty-five minutes west, twenty-two and four one-hundredths rods, thence north forty-nine degrees, fifty-four minutes west fifty-two and twenty-eight one-hundredths rods, thence due west, crossing the Cedar river to the west bank of said river, thence southerly along said river bank to the south line of lot thirteen of River Bend plat, thence west along said lot line to the center of Harrison avenue, thence north along the center of said avenue to the south line of Cedar Banks plat, thence west along said plat line to the west line Territory included.

of said plat, thence north along said west line to the center of Michigan avenue, thence west along the center of said avenue to Mrs. E. M. Cowley's west line, thence north on said line forty rods, thence east twenty rods to L. Ehinger's west line, thence north along said west line to the center of Lansing-Howell road, thence easterly along center of said road to the quarter line of section thirteen, town four north, range two west, thence north along said quarter line to the north line of said section, thence east along said section line to the point of beginning, shall hereafter be a city of the fourth class, known and designated as the city of East Lansing.

This act is ordered to take immediate effect.

Approved May 29, 1907.

[No. 578.]

AN ACT to authorize and empower the board of county road commissioners of Bay county to pay a portion of the cost of improving Woodside avenue in the village of Essexville, without declaring the same a county road.

*The People of the State of Michigan enact:*

Amount paid village.	SECTION 1. The board of county road commissioners of Bay county is hereby authorized and empowered to pay into the treasury of the village of Essexville the sum of seven thousand five hundred dollars, to be credited by the said village treasurer to the local improvement fund of said village, for the use and benefit of said fund in defraying the cost and expense of the construction of a vitrified brick pavement upon a concrete foundation twelve feet wide, on each side of the Bay City Traction & Electric Company's street railway right of way, on that portion of Woodside avenue included within the corporate limits of the village of Essexville, from the easterly terminus of the Woodside avenue vitrified brick pavement in the city of Bay City, Michigan, the same being the section line between sections fourteen and fifteen, township fourteen north, range five east, to the east line of a street, commonly known as Pine street, in the village of Essexville, without declaring the same a country [county] road.
Purpose.	
How paid.	SEC. 2. The said sum of seven thousand five hundred dollars shall be paid as follows: Two thousand five hundred dollars to be paid on or before the first day of January, nineteen hundred eight, two thousand five hundred dollars on or before the first day of January, nineteen hundred nine, and two thousand five hundred dollars on or before the first day of January, nineteen hundred ten: <i>Provided, however,</i> That before the payment of said sum of seven thousand five hundred dollars, or any part thereof, the village of Essexville shall
Proviso, improvement done before payment.	

improve and pave, or cause to be improved and paved, said portion of said highway as described in section one.

This act is ordered to take immediate effect.

Approved June 4, 1907.

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[No. 579.]

AN ACT to authorize the village of Howell in the county of Livingston, State of Michigan, to sell and furnish electricity to the State Sanatorium.

*The People of the State of Michigan enact:*

SECTION 1. The council of the village of Howell, in the county of Livingston and State of Michigan, is hereby authorized and empowered to sell and furnish electricity for lighting and power purposes to the State Sanatorium, and to enter into such contract or contracts for the selling and furnishing thereof, with the board of trustees of said State Sanatorium as may be agreed upon by and between said council and said board of trustees.

Council may enter into contract with trustees.

This act is ordered to take immediate effect.

Approved June 4, 1907.

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[No. 580.]

AN ACT to create a board of control for the control and management of the Kent County Detention Hospital, and to prescribe the powers and duties thereof.

*The People of the State of Michigan enact:*

SECTION 1. There is hereby created a board of control for the management, control and conduct of the Kent County Detention Hospital, which shall consist of three resident freeholders and qualified electors of such county, together with the judge of probate of the county, for the time being. The members of such board shall be elected by the board of supervisors for the county of Kent at its annual October session; in the year nineteen hundred seven the said board of supervisors shall elect three members of such board, one of whom shall be elected for one year, one for two years and one for three years from the first day of January, nineteen hundred eight, and thereafter in each year one member of such board

Board of control created; qualifications, election, term, etc.

**Vacancy.**

shall be elected at each October session of the board of supervisors for a term of three years, and until his successor is elected and qualified. Members of the board of supervisors shall be eligible to such office, and vacancies therein shall be filled by appointment by the Governor upon the recommendation of the circuit judges of said county, to continue until the next regular or special meeting of the board of supervisors, when such board shall elect a person to fill such vacancy for the remainder of the term. The present committee of the board of supervisors appointed for the management of the Kent County Detention Hospital by said board, shall be members of and constitute the board of control until the members thereof selected at the October session of the board of supervisors in nineteen hundred seven shall enter upon the duties of their offices. Three of the members of such board shall constitute a quorum for the transaction of business and each member shall receive as compensation for his duties thereon the sum of fifty dollars per annum, and proportionately for a part thereof, and mileage, at six cents per mile one way to be audited and paid in the same manner that the salaries of county officers are audited and paid.

**Compensation.****Powers of board.**

SEC. 2. The said board of control shall have the full control and management of the said Kent County Detention Hospital with full power to establish and carry into effect such by-laws, rules and regulations as it may deem necessary and expedient to best accomplish the purposes of the institution, and also for the internal government, discipline and management of the same, subject to the approval of the board of supervisors; to employ a superintendent and matron for said institution and such other assistants or attendants as shall be deemed necessary, and at such compensation as it may determine upon, and to fix the conditions of admission of such patients as shall not be committed thereto by competent judicial authority.

**Chairman and secretary; bonds of members and employes.****Bills.**

SEC. 3. The member of said board whose term of office shall first expire shall be the chairman thereof, and the said board shall select a secretary and treasurer, and may require bonds for the faithful performance of the duties of any officer or employe of such institution. All bills incurred by the said board of control in the conduct and management of the said detention hospital shall, after having been first passed upon by said board, be endorsed by the chairman or secretary as evidence thereof, and shall then be audited by the board of auditors of said county and paid out of any funds in the county treasury not otherwise appropriated.

**Report to be kept.**

SEC. 4. The said board shall, in a book to be provided for that purpose, keep a fair and full report of all its doings and as comprehensive a history as possible of each patient coming into the hospital, which reports and records as to public patients shall at all times be open to the inspection of the public, and such board shall annually make a full and detailed report to the board of supervisors at its Octo-

ber session, and at such other times as it may be requested by said board so to do.

SEC. 5. In case private patients or patients for whose support any municipality other than the county of Kent is liable, are committed to or kept in said hospital, the board of control may fix and determine the compensation to be paid therefor and may determine the rules upon which such patients shall be admitted thereto. All moneys collected by said board shall be paid monthly to the county treasurer of said county.

Non-resident  
patients,  
compensation  
for.

SEC. 6. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Repealing  
clause.

This act is ordered to take immediate effect.

Approved June 4, 1907.

[No. 581.]

AN ACT to authorize and empower the village of Holly, county of Oakland, Michigan, to extend the connecting or supplying pipes of its water works system beyond the corporate limits of the village, not to exceed one hundred rods, also to extend its lighting system beyond the corporate limits of the village, not to exceed one hundred rods, and also to establish police regulations therefor.

*The People of the State of Michigan enact:*

SECTION 1. The council of the village of Holly, Michigan, may, by ordinance, extend the connecting or supplying pipes of its water works system beyond the corporate limits of the village, not to exceed one hundred rods.

Water system,  
extension of.

SEC. 2. The council of the village of Holly, Oakland county, Michigan, may, by ordinance, extend its lighting system beyond the corporate limits of the village, not to exceed one hundred rods.

Lighting  
system, ex-  
tension of.

SEC. 3. The council of the village of Holly, shall have the authority to enforce beyond the corporate limits of the village, in the same manner and to the same extent as if within the village, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management, and control of the extensions mentioned in sections one and two of this act.

Ordinances,  
etc., for care,  
etc., of ex-  
tensions.

SEC. 4. For the purpose of operating or constructing the extensions mentioned in sections one and two of this act beyond the corporate limits, the village shall have the right to use the ground or soil over or under the streets, highways, or roads within the county of Oakland for the purpose of making such extensions, on condition that it shall cause

Right to  
ground on  
certain con-  
ditions.

the surface of such street, highway or road, to be relaid and restored to its usual state without unnecessary delay, and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying all such extensions upon like conditions.

Supersedes  
certain laws.

Proviso as to  
general laws.

SEC. 5. This act shall supersede any laws or statutory provisions of this State which may conflict with or contravene the provisions of this act: *Provided, however,* That this act shall not affect the general laws of this State relating to the extension of water works main, and the electric light system beyond the corporate limits of villages, otherwise than that this act shall be cumulative to the provisions of the general laws, in so far as the same may relate to the village of Holly.

This act is ordered to take immediate effect.

Approved June 4, 1907.

[No. 582.]

AN ACT to authorize the city of Charlevoix, in the county of Charlevoix and State of Michigan, to enter into contracts for the purpose of purchasing and receiving a supply of electric current for the use of said city and to be sold and furnished to the citizens thereof, to prescribe the terms for which such contract may run, and to ratify any and all such contracts heretofore made and entered into by said city.

*The People of the State of Michigan enact:*

Contract for  
supplying  
electric  
current, term  
of.

SECTION 1. The city of Charlevoix, in the county of Charlevoix and State of Michigan, is hereby authorized and empowered to make and enter into contracts with any person, firm or corporation to purchase and receive a supply of electric current for the use of said city, and to be sold and furnished to the citizens of said city, and to make such contract or contracts for the supply of such current for a term not to exceed twenty years, and to prescribe the terms and rates at which such electricity shall be furnished to the citizens of said city.

City may sell  
current.

SEC. 2. The said city is hereby authorized to sell said current when received within the corporate limits of said city within the territory bordering on and within one mile of the corporate limits of said city and deliver the same to any person, firm or corporation for lights or power within the limits aforesaid.

Certain  
contracts  
confirmed.

SEC. 3. All contracts heretofore made by said city with any person, firm or corporation for the purposes aforesaid

and for any period of time not exceeding twenty years are hereby ratified and confirmed.

This act is ordered to take immediate effect.

Approved June 4, 1907.

[No. 583.]

AN ACT to authorize the board of health of the township of Climax, in the county of Kalamazoo, to acquire and enlarge burying grounds in said township and approaches thereto, and to provide the manner of acquiring private property for such purpose.

*The People of the State of Michigan enact:*

SECTION 1. The board of health of the township of Climax in the county of Kalamazoo, whenever it may deem it desirable and necessary, may provide new burying grounds in said township, or may enlarge the limits of any existing burying ground, and may provide for suitable approaches thereto, or may enlarge the limits of any existing approach to any burying ground in said township, and, in case said board of health shall be unable to agree with the owner or owners of any land or any rights therein which said board of health desires to include within the limits of such burying ground or approaches thereto, as to the compensation to be paid therefor, the said board of health may authorize one or more of its members to apply to the circuit judge or any circuit court commissioner of said county, or to any justice of the peace of said township for a jury of the vicinage to ascertain and determine the just compensation to be made for the real estate required by said board of health for said burying ground or approaches thereto, or any enlargement thereof, and the necessity for using the same; which application shall be in writing and shall describe the real estate required by such board as accurately as is required in a conveyance of real estate.

Board may  
acquire  
burying  
grounds, etc.

When may  
apply for  
jury as to  
compensation.

Application,  
how made, etc.

SEC. 2. All subsequent proceedings for the condemnation of said lands shall be in accordance with the provisions of section four thousand seven hundred thirty to four thousand seven hundred forty-two inclusive of the Compiled Laws of eighteen hundred ninety-seven, relative to acquiring and condemning lands for schoolhouse sites, in so far as the same is applicable.

Law governing  
proceedings.

This act is ordered to take immediate effect.

Approved June 4, 1907.

[No. 584.]

AN ACT to repeal act number four hundred eighty-four of the local acts of eighteen hundred eighty-nine, entitled "An act to incorporate the public schools of the township of Burt in the county of Alger," and to organize said township of Burt in the county of Alger as a township school district under the provisions of act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, entitled "An act for the organization of township school districts in the Upper Peninsula," as amended by act number one hundred fifty-four of the public acts of nineteen hundred three, and to authorize the present board of education to serve as such until the expiration of their respective terms of office.

*The People of the State of Michigan enact:*

Act repealed.

Single school  
district,  
organization  
of.

Proviso, term  
of present  
board of  
education.

SECTION 1. Act number four hundred eighty-four of the local acts of eighteen hundred eighty-nine, entitled "An act to incorporate the public schools of the township of Burt in the county of Alger," is hereby repealed; the said public schools of the township of Burt are hereby, and from and after the date of the approval of this act, organized as a single school district under the provisions of act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, entitled "An act for the organization of township school districts in the Upper Peninsula," as amended by act number one hundred fifty-four of the public acts of nineteen hundred three, and the schools of said township shall be conducted hereafter under the provisions of said act: *Provided*, That the present members of the board of education of said district shall continue to act as such until the second Monday of July following the expiration of the term of office for which they were respectively elected, and on said second Monday of July following the expiration of their present terms of office their successors shall be elected as is provided in said act number one hundred seventy-six of the public acts of eighteen hundred ninety-one, as amended by act number one hundred fifty-four of the public acts of nineteen hundred three.

This act is ordered to take immediate effect.

Approved June 4, 1907.



[No. 585.]

AN ACT to make the office of sheriff of Kalamazoo county a salaried office, to fix the salary of under sheriff, to provide for determining the number of deputy sheriffs, and fixing their compensation, and to regulate the management of the sheriff's office.

*The People of the State of Michigan enact:*

SECTION 1. After the expiration of the term of office of the present sheriff of the county of Kalamazoo, the sheriff of said county shall receive as compensation for his services an annual salary of three thousand five hundred dollars, to be paid monthly by the county treasurer in the same manner as other county officers are paid. Sheriff,  
salary of.

SEC. 2. The said salary of three thousand five hundred dollars per annum shall constitute the whole compensation which shall be allowed to, or received by said sheriff for all the official services which may be performed by him as sheriff, as required or authorized by existing laws, or by laws which may hereafter be enacted, by virtue of his office as sheriff; and no compensation, payment or allowance shall be made to him for his services as sheriff except the salary aforesaid. Salary to be  
whole  
compensation.

SEC. 3. All the fees, emoluments and perquisites which such sheriff shall charge or receive, or which he shall legally be authorized, required or entitled to charge or receive by law in civil causes or proceedings and paid by litigants or individuals, as and for his compensation for services rendered them, and his expenses and liabilities thereunder, and all the fees, emoluments and perquisites which he shall charge or receive, or which he shall be legally authorized, required or entitled to charge or receive for conveying prisoners or other persons to State institutions, and for all other services for the United States of America or for the State of Michigan, or for the county of Kalamazoo, for which fees are paid, including the moneys he may receive for the board, custody, or care of United States prisoners and for moneys he may receive for the care and custody of prisoners committed to the county jail, from the cities and villages of Kalamazoo county and which may be a proper charge against said cities and villages, shall belong to the county of Kalamazoo, and it shall be the duty of said sheriff to exact, collect and receive for said county the full amount allowed by law for all such moneys, fees, emoluments and perquisites. Fees, etc., to  
belong to  
county.

SEC. 4. The under sheriff of Kalamazoo county shall receive an annual salary of twelve hundred dollars, payable monthly, which shall be in lieu of all salaries, per diem, fee, mileage, percentages, perquisites, emoluments and compensation now allowed by law or hereafter attaching to said office. Under sheriff,  
salary of, etc.

Deputy  
sheriffs and  
matron,  
appointment  
and salaries of  
etc.

Proviso,  
limit of  
salary.  
Further  
proviso,  
salary of  
certain  
deputies.  
How paid, etc.

Salaries, no  
change in,  
during term,  
etc.

Additional  
deputies,  
when may be  
appointed,  
compensation.

When to make  
and file report.

Deputies  
without com-  
pensation.

Sheriff to keep  
accounts, etc.

SEC. 5. The sheriff of Kalamazoo county shall appoint all deputy sheriffs for said county, one of whom shall be a competent accountant, and shall appoint a matron for the county jail, but the board of supervisors of the county of Kalamazoo shall prescribe the number of deputy sheriffs for said county and shall fix their compensation, also the salary of the matron of the jail: *Provided*, That no deputy sheriff shall receive a salary of more than one thousand dollars per annum: And *Provided further*, That deputy sheriffs acting as court officers shall receive a salary not to exceed eight hundred fifty dollars per annum; and the salaries so determined shall be paid monthly, and all salaries so determined and paid shall be in lieu of all fees, mileage, perquisites, emoluments and other compensation of whatever nature. All salaries of the deputy sheriffs shall be fixed from term to term on or before October thirty-first, preceding the commencement of the term of office of the sheriff, and no salaries shall be increased or diminished during the term for which they have been fixed by the said board of supervisors. The number of deputy sheriffs prescribed shall be sufficient, with the sheriff and under sheriff, to perform all the duties devolving upon the sheriff's office by law.

SEC. 6. In times of emergency the sheriff, upon the order of the circuit court for the county of Kalamazoo, made upon the petition of the sheriff or prosecuting attorney of said county, showing the necessity therefor, may appoint for such day or days as may be required, one or more additional deputies, who for services actually rendered, shall receive the sum of three dollars per day and no other compensation whatsoever. Upon completion of his service each deputy so appointed shall make and file with the county clerk for the county of Kalamazoo, a full and detailed report, including his actual expense account, duly verified, of services rendered and official acts performed during the period of service, of all moneys received in fees, mileage, perquisites and emoluments on account of said appointment, and at the same time shall pay over to the county treasurer all moneys so received which shall thereupon become the money of Kalamazoo county. The sheriff may also appoint deputy sheriffs to protect private interests, who shall receive no compensation from Kalamazoo county for services on account of such appointment. Said deputies so appointed may be required by the board of supervisors to file a detailed statement with the county clerk of all their official acts.

SEC. 7. The sheriff shall keep in his office in a proper book or books, to be provided for that purpose, an exact and true account of all official services performed by him as sheriff, and all fees, moneys, perquisites and emoluments received or chargeable by him therefor pursuant to law. Such book or books shall be a complete record and shall show when and for whom every such service shall have been performed, its nature and the fees chargeable therefor, and at

all times during office hours shall be open for the inspection of any person.

SEC. 8. The sheriff shall transmit to the county treasurer, Monthly statement. on or before the eighth day of each month, a statement of all moneys received by him for fees, perquisites and emoluments for all the services named in section three, rendered by him in his official capacity as aforesaid, for the preceding month. He shall make affidavit that such statement is full and true to his best knowledge and belief, and at the same time he shall pay over to the treasurer of the county of Kalamazoo, for the benefit of said county, the whole amount of moneys so received by him, which moneys shall belong to the county of Kalamazoo. Make affidavit and pay over moneys.

SEC. 9. All writs, subpoenas, warrants, summonses, commitments, and other papers, the service of which would be a proper charge against the county of Kalamazoo, shall be served by the sheriff, the under sheriff, or any deputy the sheriff may direct, without charge. Writs, etc., service of.

SEC. 10. On or before the eighth day of each month the sheriff and each deputy shall make and file with the county clerk a full and detailed account, verified under oath, of his actual and necessary expenses during the preceding month while in the performance of his official duty; and said expense accounts shall be claims against the county which, after being audited and allowed by the board of supervisors, shall be paid by the county of Kalamazoo. Monthly expense account of sheriff.

SEC. 11. The jail of the county shall be kept by the sheriff as now required by law. All supplies of whatever nature necessary for the custody and maintenance of the prisoners and persons detained within said jail shall be provided by the sheriff, and his actual and necessary expenses in providing the same shall be a county charge, and be paid by the county as follows: The sheriff shall keep a correct and itemized account of such expenses in a book or books provided for the purpose, at the expense of the county; each item of such account shall specify the date at which it was incurred, to whom paid, the place where paid and for what, or the purpose for which it was paid. The sheriff shall also obtain a voucher for each item incurred by him so far as practicable, and if any such item exceeds the sum of twenty-five dollars, it shall be duly verified as to its correctness and the payment thereof by the affidavit of the person furnishing the same. Expenses for maintenance of prisoners.

SEC. 12. At the end of each calendar month or within eight days thereafter, the sheriff shall present to the county clerk a written, verified statement in detail of all items of his said expenses incurred under section eleven, for such month, the verification of such statement shall be by the affidavit of the sheriff that said statement is in all respects full and true to his best knowledge and belief. Statement of expenses, when presented to county clerk.

SEC. 13. On or before the fifth day of January of each year the sheriff shall make and file with the county clerk a Annual report of sheriff. report in gross, of all receipts and expenditures for the year,

previously reported in detail, and a full and detailed report, on oath, of all his official acts, and the official acts of the under sheriff and the deputy sheriffs not previously reported in detail; and said report shall show the actual receipts in fees, perquisites and emoluments by the sheriff, under sheriff and deputy sheriffs, and the expense of every nature whatsoever incurred by said sheriff, under sheriff and deputy sheriffs in the performance of their official duties, and for which expense claims have become a charge against Kalamazoo county. Said reports shall show the amount of fees, perquisites and emoluments paid to the treasurer of Kalamazoo county, and the expense of feeding the prisoners at the jail. Said report shall be for the fiscal year ending December thirty-one. And said annual report shall appear in the printed proceedings of the board of supervisors.

Bond,  
amount of,  
sheriff to file,  
etc.

SEC. 14. Every such sheriff before entering upon the duties of his office shall execute to the county of Kalamazoo and file with the county treasurer of said county a bond, in addition to any other required by law, in the sum of five thousand dollars, with sufficient sureties to be approved by the board of supervisors, to the effect that he will faithfully perform the duties devolving upon him and pay over to the county treasurer all moneys which shall come into his hands as herein provided.

Penalty for  
neglect of  
duty, etc.

SEC. 15. Any officer referred to in this act who shall secure to his own use, or for the use of another, any fee, perquisite or emolument contrary to the provisions of this act, or shall neglect to account for any such fees, perquisite or emolument by this act to belong to the county of Kalamazoo, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than six months or both, in the discretion of the court, and shall be liable to said county in a civil action for all moneys so received, or received for use of the county and not accounted for and paid over to the treasurer pursuant to the requirements of this act.

Repealing  
clause.

SEC. 16. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved June 4, 1907.

[No. 586.]

AN ACT to provide for the payment of salaries to the treasurer, clerk, deputy clerk, register of deeds, deputy register of deeds, prosecuting attorney and assistant prosecuting attorney for the county of Kalamazoo, State of Michigan, and to provide for the collection of all fees and the payment of the same to the county treasurer of said county, and to provide for the payment of certain fees to the clerk of said county, by parties to suits in the circuit court for said county, and in the circuit court, in chancery, for said county.

*The People of the State of Michigan enact:*

SECTION 1. The board of supervisors of Kalamazoo county, Michigan, is hereby empowered to pay to the county treasurer, county clerk, deputy county clerk, register of deeds, deputy register of deeds, prosecuting attorney and assistant prosecuting attorney out of the county treasury such annual salaries as said board of supervisors may determine, as hereinafter provided; said salaries shall be fixed and determined by said board of supervisors at its annual meeting in nineteen hundred eight for the term commencing January one, nineteen hundred nine, and every two years thereafter at its annual meeting said board of supervisors shall fix and determine said salaries to commence January one, following, and said salaries shall neither be increased nor diminished during the term for which any of said officers are elected. Such compensation shall be in full for all services that may be rendered by said officers for which the county might be liable, and in lieu of all fees which are fixed by law.

Salaries, when board of supervisors to determine, etc.

SEC. 2. The county treasurer, county clerk and register of deeds shall collect all fees required by law and make out an itemized statement of the same, and pay all such fees to the county treasurer on the last day of each month, accompanying the same by an itemized statement thereof, and shall take duplicate receipts therefor from said county treasurer: *Provided*, That after this bill shall have become operative, before any suit at law or in chancery shall be commenced in said county, there shall be paid to the clerk or register of the court, in which said suit is commenced, by the party commencing the same, the sum of three dollars, and before any final judgment or decree shall be entered in said suit, there shall be paid to the clerk or register of said court by the prevailing party the further sum of four dollars: *Provided*, That if there be a default entered in such suit, and the same proceed to judgment or decree without contest, the fee to be paid before final judgment or decree shall be the sum of three dollars. And if a jury shall be demanded by either party to any such suit, such party shall, before the jury is sworn, pay to said clerk the sum of three dollars: *Provided further*, That in case both parties shall demand a jury, the clerk shall receive said sum from the party first

Monthly statement to county treasurer.

Proviso as to fees paid to clerk of court.

Proviso, fee in case of default, etc.

Jury fee.

Further proviso.

Sums paid to be in full of all fees, supreme court excepted.

Sums paid, taxed as costs.

Salaries, limit of, etc.

Moneys received, where credited.

Register of deeds, providing clerks for.

Proviso as to salary.

Bonds, certain officers.

making the demand therefor, and from him only. All moneys so received shall be paid by said clerk to the county treasurer, as herein provided. The sums paid as aforesaid shall be held to be in full of all clerk, entry and jury fees in any said suit from the commencement thereof, to and including the issuing and return of execution or other final process, except in cases where such suit, or any order entered therein may be removed to the supreme court, when there shall be collected by said clerk such fees as are now allowed by law for making return to the supreme court. The sum or sums so paid shall be taxed as costs of suit by the party paying the same, if he be the prevailing party, in addition to any other costs to which he may be entitled by law.

SEC. 3. The salaries provided for in this act, and as fixed by said board of supervisors, shall not exceed the sum of two thousand dollars per annum for the county treasurer, twenty-five hundred dollars per annum for the county clerk, six hundred dollars per annum for the deputy county clerk, eighteen hundred dollars per annum for the register of deeds, five hundred dollars per annum for the deputy register of deeds, two thousand dollars per annum for the prosecuting attorney and eight hundred dollars per annum for the assistant prosecuting attorney, and shall be paid monthly by the county treasurer upon a warrant issued by the county clerk, but said salaries shall not be paid until an itemized statement of all fees collected and paid over to the county treasurer as aforesaid, has been sworn to and filed with the county treasurer, and a duplicate of the receipt given therefor filed with the county clerk.

SEC. 4. All money received by the county treasurer by virtue of this act shall be credited to the general fund of the county.

SEC. 5. The board of supervisors of said county is also authorized to provide such additional clerks at such salary as they may fix, and for such time as they may deem necessary, for the register of deeds: *Provided*, That such salary shall in no case exceed the salary herein fixed for the deputy register of deeds.

SEC. 6. Said clerk, treasurer and register of deeds shall each be required to give a bond to the board of supervisors of Kalamazoo county, with sufficient sureties to be approved by such board, and in such amount as the board may direct, conditioned for the faithful discharge of their respective duties growing out of their offices as prescribed by this act; this bond shall be in addition to any other bond now required by law to be furnished by any of said officers, and no person hereinafter elected to the office of county clerk, register of deeds and county treasurer for the county of Kalamazoo shall enter upon the discharge of his duties until he has executed a bond pursuant to the provisions of this section, and filed the same with the county clerk of said

county: *Provided*, That the bond of the clerk shall be filed with the treasurer of said county. Proviso, filing of clerk's bond.

SEC. 7. If any of the aforesaid officers shall fail to comply with the provisions of this act, they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment, in the discretion of the court. Penalty for neglect.

Approved June 4, 1907.

[No. 587.]

AN ACT to confer additional powers upon the common council of the village of Lake Odessa, Ionia county, for the regulation of the traffic in spirituous, malt, brewed and vinous liquors as a beverage within said village.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the village of Lake Odessa, Ionia county, is hereby authorized and empowered to determine the number of places where intoxicating liquors as a beverage are to be sold within the corporate limits of said village, and to locate the place or places where such business shall be conducted, and may impose a village license not exceeding the sum of three hundred dollars upon each of such places so conducted. Saloons, number of. License, amount of, limited.

SEC. 2. The common council of the village of Lake Odessa is hereby authorized to examine and determine as to the character, habits and fitness of any person or persons wishing to engage in the business of selling intoxicating liquors as a beverage, within the corporate limits of said village, and may refuse to accept the bond of such person or persons, if, in its judgment, the character and habits of such person or persons are such as to render them unfit to conduct such business. Bond, acceptance of.

This act is ordered to take immediate effect.

Approved June 4, 1907.

[No. 588.]

AN ACT to provide for the payment of salaries to the sheriff, clerk, treasurer, register of deeds and deputies of said offices of Clinton county, Michigan, and provide for the collection of all fees and payment of the same to the county treasurer.

*The People of the State of Michigan enact:*

Salaries, when board of supervisors to determine, etc.

SECTION 1. The board of supervisors of Clinton county, Michigan, is hereby empowered to pay the sheriff, county clerk, county treasurer, register of deeds and such deputies as the board of supervisors allow, out of the county treasury, such annual salaries as the board of supervisors may determine. Such salaries shall be fixed and determined by said board at the October meeting thereof, in the year next preceding the one in which the election of said officers is to take place; and such compensation shall be in full for all services for which the county may be liable and in lieu of all fees which are fixed by law; and which salary shall neither be increased nor diminished during the term for which said officers shall be elected.

Monthly statement to county treasurer.

SEC. 2. The sheriff and deputies who receive a salary shall collect and make an itemized statement of all fees required by law for the service of any process other than that of the county which shall be paid to the county treasurer, the last day of each month, taking duplicate receipts therefor. The county treasurer, county clerk and register of deeds shall collect all fees required by law and make out an itemized statement of the same and pay them to the county treasurer the last day of each month, taking duplicate receipts therefor:

Provide as to fees paid to clerk of court.

*Provided*, That after this bill shall have become operative, before any suit at law or in chancery shall be commenced in said court, there shall be paid to the clerk of said court, by the party commencing such suit, the sum of three dollars, and before any final judgment or decree shall be entered in any such suit, there shall be paid to the clerk of said court, by the prevailing party, the sum of four dollars. And if a jury shall be demanded by either party to any such suit, such party shall, at the time of making such demand, pay to the clerk the sum of three dollars: *Provided further*, That in case both parties shall demand a jury, the clerk shall receive such sums from the first party making the demand therefor, and from him only. All money so received shall be paid by said clerk to the county treasurer as provided in section three of this act. The sums paid, as aforesaid, shall be held to be in full of all clerk, entry and jury fees in any such suit from the commencement thereof to and including the issuing and return of execution or other final process. The sum or sums so paid shall be taxed as costs of suit in favor of the party paying the same, if he be

Fee, if jury is demanded.

Further proviso, if jury is demanded by both parties.

Sums paid to be in full of all fees.

Sums paid, taxed as costs



the prevailing party, in addition to any other costs to which he may be entitled by law.

SEC. 3. The salaries aforesaid shall be paid monthly by the county treasurer, upon a warrant issued by the county clerk, but not until the itemized statement of all fees collected and paid over to the county treasurer, as aforesaid, has been sworn to and filed with the county treasurer and a duplicate of the receipt therefor filed with the county clerk.

Salaries, how  
and when  
paid.

SEC. 4. All moneys received by the county treasurer by virtue of this act shall be credited to the general fund of the county.

Moneys  
received,  
where  
credited.

SEC. 5. The board of supervisors are hereby empowered to pay the sheriff or his deputies, who receive a salary by virtue of this act, any money actually expended by them in pursuance of their official duties; also to make contracts with the sheriff for the board and laundry of the prisoners lodged in the county jail; also to allow for all printing, stationery, postage, purchasing of books, records and other papers necessary for the public service.

Sheriff,  
expenses of,  
supplies for,  
etc., by whom  
paid.

SEC. 6. If any of the aforesaid officers or their deputies shall fail to comply with the provisions of this act, they shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not exceeding one thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

Penalty for  
neglect.

SEC. 7. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Repealing  
clause.

Approved June 4, 1907.

[No. 589.]

AN ACT to prescribe the time within which actions against the city of Mt. Clemens, in the county of Macomb, for negligent injuries, shall be commenced, and to require the giving of notice of such injuries to the city attorney.

*The People of the State of Michigan enact:*

SECTION 1. No action shall be brought against the city of Mt. Clemens, in the county of Macomb, or any of its boards, commissions or officers for any negligent injury, unless it be commenced within one year from the time when the injury was received, nor unless notice shall be given in writing within sixty days from the time of such injury to the city attorney of the time, place and cause of such injury and of the nature thereof. The provisions of this section

Negligent  
injury, time for  
commencing  
action limited,  
etc.

shall not be a bar to a suit for any injury for which there is now a lawful cause of action, but for every such injury suit shall be commenced within six months from the time when this act shall take effect.

This act is ordered to take immediate effect.

Approved June 4, 1907.

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[No. 590.]

AN ACT to authorize the township of Buel, in the county of Sanilac, to borrow money and issue its bonds therefor, for the purpose of macadamizing or otherwise improving the highways in said township, and to provide a tax for the payment of said bonds and the interest thereon.

*The People of the State of Michigan enact:*

Amount board  
may borrow.

SECTION 1. The township board of the township of Buel, in the county of Sanilac, is hereby authorized and empowered to borrow a sum of money not exceeding five per cent of the assessed valuation of said townshin, according to the assessment roll of said townshin for the last preceding year, on the faith and credit of said township, and to issue the bonds of said township therefor, payable at such time not exceeding twenty years, and in such manner as the township board of said township shall direct, and bearing a rate of interest not exceeding five per cent per annum, payable annually, which money shall be used for the purpose of macadamizing or otherwise improving the highways in said township as said township board shall direct.

Bonds, issue  
of, etc.

Question  
submitted  
to electors.

SEC. 2. Such money shall not be borrowed nor such bonds issued, unless a majority of the qualified electors of said township voting thereon at a special election called by the township board of said township, to be held in said township shall vote in favor of said proposition; and the said township board is hereby authorized and empowered to submit the question of said loan to the qualified electors of said township at a special election called by said township board for that purpose, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written or printed notices, signed by the clerk of said township, to be posted in five public places in said township, at least ten days before the time fixed for such election, which notices shall state the amount of money proposed to be raised by bonding, and the purpose to which it shall be applied.

Ballots,  
form of.

SEC. 3. The proposition of issuing the said bonds provided for in section one of this act shall be submitted to the electors by ballot, which ballot shall be written or printed or

partly written and partly printed, and be of the following form:

"For issuing township bonds for improving highways—  
Yes. ( )"

"For issuing township bonds for improving highways—  
No. ( )"

Said vote shall be canvassed the same as the ordinary vote cast at township meetings, and if, upon canvassing the vote, it shall be found that a majority of the electors voting upon said proposition have voted in favor of said proposition, the said township board shall be authorized to issue the bonds of said township as provided for in section one of this act. Vote, canvass of, etc.

Sec. 4. It shall be the duty of the township board of said township to raise by tax upon the taxable property of said township, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon said bonds and the principal when due. Tax clause.

Sec. 5. The interest upon said bonds shall be payable by the treasurer of said township after the same shall become due, on presentation at the place where said bonds are made payable, of the proper coupons, and the said principal shall be payable by the said treasurer after the same shall become due, upon presentation and surrender at the place where made payable, of the said bonds. Bonds and interest upon, how payable.

This act is ordered to take immediate effect.

Approved June 4, 1907.

### [No. 591.]

AN ACT to authorize the council of the city of Hudson to borrow the sum of twenty thousand dollars and issue bonds of said city therefor for the purpose of paving certain streets of said city if authorized so to do by a majority of the electors voting at a special election called for that purpose to be held June five, nineteen hundred seven, and to provide a tax to meet the same.

#### *The People of the State of Michigan enact:*

SECTION 1. The council of the city of Hudson is hereby authorized to borrow the sum of twenty thousand dollars and issue the bonds of said city therefor to be used for the purpose of paving certain of the streets of said city described in a resolution of said council heretofore passed, providing that at the special election called for June five, nineteen hundred seven, for the purpose of voting upon such proposition to borrow said sum of twenty thousand dollars and issue Amount of loan, issue of bonds.

When question submitted to electors.

bonds therefor, a majority of the electors voting at such election vote "Yes" on the proposition so to be submitted at such special election.

Bonds, form,  
etc.

SEC. 2. Said bonds to be in such form as the council may determine and to bear interest at a rate not to exceed five per cent, and be payable at such time and place as the council may, by resolution, direct.

Tax clause.

SEC. 3. The common council shall provide for the payment of said bonds and the interest thereon by levying a tax upon the taxable property of the city as the same may become due and payable: *Provided, however,* That if such payment can be made from taxes received from local assessments, it shall not be necessary to levy any such tax.

Proviso,  
taxes from  
local  
assessments.

This act is ordered to take immediate effect.

Approved June 4, 1907.

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[No. 592.]

AN ACT to detach certain territory from the village of Saline, county of Washtenaw and State of Michigan.

*The People of the State of Michigan enact:*

Territory  
detached.

SECTION 1. The northwest quarter of the southwest quarter of section thirty-one of the township of Pittsfield, in the county of Washtenaw and State of Michigan, is hereby detached from the village of Saline in said county, and the jurisdiction of said village over said territory is hereby abolished.

This act is ordered to take immediate effect.

Approved June 5, 1907.

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[No. 593.]

AN ACT to incorporate the village of Pellston, in the county of Emmet and to define its boundaries and powers.

*The People of the State of Michigan enact:*

Territory  
included.

SECTION 1. The following lands and territory in the townships of McKinley and Maple River, county of Emmet, and described as follows, to-wit: Commencing at the northeast corner of section thirty-four, township thirty-seven north, range four west; thence running west on the section line

to the northwest corner of said section; thence south on the section line to the south line of said section thirty-four; thence west eighty rods on the section line; thence south to the northwest corner of the southeast quarter of the southeast quarter of section four, township thirty-six north, range four west; thence east to the section line on the east side of section three; thence north to the place of beginning is hereby constituted a village corporate by the name of the village of Pellston.

SEC. 2. The first election of officers of said village shall be held on the second Tuesday in June in the year nineteen hundred seven at Moody and Geiken's Hall in said village. First election, when held, etc.

SEC. 3. Allen C. Wright, Charles R. Duggan, Herbert N. Crandall and Daniel L. Allen are hereby constituted a board of registration for said first election to be held in said village, and who shall also act as inspectors of election at said first election. The said board of registration shall meet on the Saturday preceding said first election, and shall remain in session the same hours required of boards of registration for general elections and register the names of all persons residents of said village presenting themselves for registration, and having the qualifications of voters at annual township meetings, due notice of the time and place of which registration shall be given by said board by the posting of notices thereof in five public places in said village, at least five days previous to said meeting. Board of registration, etc.

SEC. 4. The said inspectors shall give notice of the time and place of holding such election and the officers to be elected at such election, by posting of written or printed notices thereof in at least five public places in such territory at least ten days previous to the day appointed for holding the same. At such election, the polls shall be opened at seven o'clock in the forenoon and shall close at five o'clock in the afternoon. Notice of election, publishing of, etc.

SEC. 5. The assessor of said village shall, for the year nineteen hundred seven, on or before July fifteen of said year, make an assessment roll containing a description of all the real property and the aggregate amount of all the personal property liable under the laws of the State to taxation in the village, and the name of the owner, agent or person liable to pay taxes thereon if known, and the names of all persons liable to pay poll tax in the village, and shall set down in such roll the valuation of such property, at its true cash value, placing the value of the real and personal property in separate columns; and in so doing he shall conform to and be governed by the provisions of law governing supervisors of townships performing like services. Assessment roll, when made by assessor, etc.

SEC. 6. The council, after an examination of the assessment roll, shall certify the same to the assessor, together with the amount which it requires to be raised by general tax, and for highway and other general purposes, which cer-

Council to certify roll, etc.

tificates, endorsed upon or annexed to the roll, shall be signed by the president and clerk.

Apportionment, etc., of taxes.

SEC. 7. Upon receiving the assessment roll, with the certificate of the several amounts to be raised thereon as provided in the preceding section, the assessor shall proceed to estimate, apportion, and set down in columns opposite to the several valuations of real and personal property on the roll, in proportion to the individual and particular estimates and valuations, the respective sums in dollars and cents, apportionable to each; placing the general fund taxes and all general taxes, except those for highway purposes in one column; the general highway taxes in another column; the street district taxes, if any, in a third column; all special assessment taxes in a fourth column; and shall also set down in another column on the roll one dollar opposite the name of every person liable to pay a poll-tax in the village; and the total of all taxes assessed to each valuation shall be carried into the last column of the roll. The assessor shall also foot up the amounts carried to the last column, as aforesaid, and certify upon the roll the aggregate amounts of the taxes levied therein.

Assessment roll and warrant, when delivered to treasurer, etc.

SEC. 8. After extending the taxes as aforesaid, and not later than the fourth Monday of July, nineteen hundred seven, the assessor shall cause said assessment roll, certified under his hand, to be delivered to the treasurer, with the warrant of the president of the village annexed thereto, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein opposite to their respective names, as a tax or assessment, and authorizing him, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to collect all taxes by a certain day therein to be named, not less than thirty nor more than fifty days from the date of said warrant. The president may renew said warrant from time to time, by order of the council, and for such time as the council shall direct: *Provided*, That the time shall not be extended later than the third Monday of October, A. D. nineteen hundred seven.

Neglecting to pay tax.

Warrant, renewal of.

Proviso, time limited.

Intoxicating liquors, unlawful to sell, etc.

SEC. 9. It shall be unlawful for any person, directly or indirectly, himself or by his clerk, agent or employe, to manufacture, sell, keep for sale, give away or furnish any vinous, malt, brewed, fermented, spirituous or intoxicating liquor, or mixed liquor or beverage, any part of which is intoxicating, or to keep a saloon or any other place where any such liquors are manufactured, sold, stored for sale, given away or furnished within the corporate limits of said village: *Provided, however*, That the provisions of this section shall not apply to druggists or registered pharmacists in selling any such liquor under and in compliance with the restrictions

Proviso as to druggists.

and requirements imposed upon them by the general laws of this State.

SEC. 10. Any person who himself, or by his clerk, agent or employe, shall violate any of the provisions of section nine of this act shall be deemed guilty of a misdemeanor and for the first offense, upon conviction thereof, be sentenced to pay a fine of not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail not less than twenty days nor more than six months, in the discretion of the court. For the second and every subsequent offense so committed, he shall, upon conviction thereof in any court of competent jurisdiction, be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, and to imprisonment in the State House of Correction and Reformatory at Ionia for a term of not more than one year.

Penalty for violation.

Second offense, etc.

SEC. 11. The said village of Pellston shall, in all things not herein otherwise provided, including the time for the assessment, levying and collection of taxes after the year nineteen hundred seven, be governed by and its powers and duties defined by act number thirty of the laws of eighteen hundred ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and the acts amendatory thereof.

Act governing.

SEC. 12. In case the said officers of said village are not elected at the time designated in section two of this act, an election of officers may be had at any time within one year from the time designated in section two, on notice being given as provided herein for said first election for said village.

First election.

This act is ordered to take immediate effect.

Approved June 5, 1907.

[No. 594.]

AN ACT to authorize fractional school district number one of the township of McKinley, in Emmet county, to borrow money to be used in the construction of a school house and to issue bonds therefor.

*The People of the State of Michigan enact:*

SECTION 1. The district board of fractional school district number one in the township of McKinley, Emmet county, is hereby authorized to borrow, on the faith and credit of said district, a sum not exceeding fourteen thousand dollars at a rate of interest not exceeding six per centum per annum and to negotiate the bonds of said district therefor in such

Amount board may borrow, etc.

Proviso,  
question  
submitted to  
electors.

Purpose.

Election,  
manner of  
conducting.

form and for such length of time as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value: *Provided*, That a majority of the qualified electors of said school district voting at any annual or special school meeting legally called for that purpose, shall vote in favor of such loan.

SEC. 2. The money that may be borrowed by authority of this act shall be spent in the erection and furnishing of a school house in and for said district and for no other purpose.

SEC. 3. The election shall be called and conducted, vote canvassed and declared, and all proceedings taken in the premises according to the provisions of the general school laws of this State.

This act is ordered to take immediate effect.

Approved June 5, 1907.

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[No. 595.]

AN ACT to grant additional corporate powers to the village of Caledonia Station, Kent county, Michigan.

*The People of the State of Michigan enact:*

Saloons,  
licensing and  
regulating, etc.

SECTION 1. The village of Caledonia Station, Kent county, Michigan, in addition to the powers conferred by section one, chapter seven, of act number three of the public acts of eighteen hundred ninety-five, being section two thousand seven hundred sixty-nine of the Compiled Laws of eighteen hundred ninety-seven, shall have the general power and authority to license and regulate saloons for the sale of spirituous and intoxicating liquors, and may designate certain districts within the corporate limits of said village wherein such saloons must be located, and the council may pass such ordinances in relation thereto as it may deem proper.

This act is ordered to take immediate effect.

Approved June 6, 1907.



## [No. 596.]

AN ACT relative to the sale of intoxicating liquors as a beverage in the city of Benton Harbor, Berrien county, Michigan, providing for the acceptance of surety company bonds from liquor sellers and limiting the number of licensed saloons in said city.

*The People of the State of Michigan enact:*

SECTION 1. The city of Benton Harbor, Berrien county, Michigan, is hereby excepted from the limitation contained in section one of act number two hundred sixty-six of the public acts of the State of Michigan, for the year eighteen hundred ninety-five, entitled "An act relative to bonds and other obligations with surety or sureties and the acceptance as surety thereon, of companies qualified to act as such and the release of such surety and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing of laws in conflict therewith," that the provisions of such act shall not apply to any bond or recognizance required for the sale of liquors under the laws of this State; and in the city of Benton Harbor, any company permitted by said act number two hundred sixty-six to become surety or guarantor, for any matter or thing required by law, shall be deemed sufficient surety for any bond or recognizance required by the laws of this State for the sale of liquors in said city, and any bond required by the laws of this State to be given by any person engaged in the sale of liquors shall be sufficient if signed by the principal and by any such surety company.

Surety company bonds, acceptance of, from liquor sellers.

SEC. 2. In said city of Benton Harbor, there shall not be more than twenty licenses issued and outstanding at any one time to conduct the business of a retail liquor dealer, as provided under act number three hundred thirteen of the public acts of this State, for the year eighteen hundred eighty-seven, until the population of said city, according to the last State or Federal census shall exceed twenty thousand; and then and thereafter one such license may be issued and outstanding for each one thousand persons, according to the last State or Federal census.

Licenses, number of, limited.

SEC. 3. The twenty persons, firms or corporations now licensed to conduct a retail liquor business in the city of Benton Harbor, and their respective successors and assigns, shall have the first right to renew and secure such licenses and this right shall be a property right and may be sold, transferred and pledged by any appropriate written instrument.

Additional, when issued.

Rights of present liquor dealers.

SEC. 4. If any person, firm or corporation now regularly licensed to conduct a retail liquor business in the said city of Benton Harbor, or his, its or their respective successors or assigns, shall not by June first of each year have made ap-

License, when not to be granted.

When  
number may  
be increased.

plication for such license and have filed a bond therefor as required by law, and paid all fees and licenses required by law or ordinance; or should any such person, firm or corporation or his, its or their successors or assigns, at any time by writing filed with the city clerk of said city, notify the council of said city, that the right to renew and secure such license is waived and surrendered, then no such license shall be granted to any such person, firm or corporation, his, its or their successors or assigns, or to any other person, firm or corporation until the number of licenses for said retail liquor business issued and in force, in said city, shall be one for each one thousand people as shown by the last State or Federal census. Whenever the number of retail liquor dealers licensed to do business in the city of Benton Harbor, has been so reduced that there shall be only one such retail liquor dealer for each one thousand people, as above provided, then and thereafter one license for a retail liquor dealer may be granted for each one thousand people in said city, as shown by the last State or Federal census, and in that case, all persons, firms or corporations now thus regularly licensed in said city, their successors and assigns, who have not waived, surrendered or lost the right to renew and continue such license as above provided, may renew and continue such licenses upon complying with all requirements of the law and paying all fees and licenses required by law or ordinances before June first of each year, and other and further licenses as the population increases, or vacancies occur, shall be issued to that person, firm or corporation first making application therefor, filing with the city clerk a proper and sufficient bond and paying all fees and licenses required by any law or ordinances.

This act is ordered to take immediate effect.

Approved June 6, 1907.

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[No. 597.]

AN ACT to authorize the common council of the city of Niles, Berrien county, Michigan, to accept surety bonds from liquor sellers.

*The People of the State of Michigan enact:*

Surety  
company  
bonds,  
acceptance of,  
from liquor  
sellers.

SECTION 1. All bonds required by act three hundred thirteen of the public acts of the year eighteen hundred eighty-seven, and amendments thereto, of the persons engaged in the business of selling and keeping for sale any spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors in said city of Niles, except druggists, may be

executed by the principal, together with a surety company, to be approved by the common council of said city, to act as surety or guarantee as provided by law in other cases.

This act is ordered to take immediate effect.

Approved June 6, 1907.

[No. 598.]

AN ACT to amend section seven of house enrolled act number seventy-five, entitled "An act to amend sections two, four, seven and eight of act number three hundred twenty-three of the local acts of nineteen hundred three, entitled 'An act to incorporate the city of Beaverton, in the county of Gladwin,'" approved March fourteen, nineteen hundred seven.

*The People of the State of Michigan enact:*

SECTION 1. Section seven of house enrolled act number seventy-five, entitled "An act to amend sections two, four, seven and eight of act number three hundred twenty-three of the local acts of nineteen hundred three, entitled 'An act to incorporate the city of Beaverton, in the county of Gladwin,'" approved March fourteen, nineteen hundred seven, is amended to read as follows:

Section amended.

SEC. 7. The incorporation of said city of Beaverton shall in no way change the status of fractional school district number one of Beaverton township, except as hereinafter provided, but the same shall continue as a graded school district, and no change shall be made in the manner or time of electing its district officers or in the management of said district, except that the taxes voted for school purposes in said district shall be apportioned at or before the time of the meeting of the board of supervisors of Gladwin county, in annual session, in October in each year, by the supervisors of the townships of Beaverton and Tobacco, and the supervisors of the three wards of the city of Beaverton: *Provided*, That the said fractional school district number one of the township of Beaverton shall embrace sections six and seven, the north half of section five, the west half of the southwest quarter of section five, and the west half of section eight of township seventeen north, range one west; and sections one and twelve, the north half of section two, the southeast quarter of section two of township seventeen north, range two west, all of which is now embraced in said district.

Incorporation not to change school district.

Proviso, territory embraced.

This act is ordered to take immediate effect.

Approved June 11, 1907.

[No. 599.]

AN ACT to provide for the creation of a board of county auditors for the county of Bay, to prescribe the power and duties of its members, and to provide for their compensation.

*The People of the State of Michigan enact:*

Appointment  
of, number of  
members,  
term of office.

SECTION 1. There shall be a board of county auditors for the county of Bay, consisting of three members, whose term of office, except as herein otherwise provided, shall be for three years. As soon as practicable after this act shall take effect, the judge of probate, the county treasurer and the county clerk of said county of Bay shall appoint three eligible persons to be members of said board of county auditors, who shall hold office from the first day of July nineteen hundred seven, until the first day of July nineteen hundred eight, and until their successors are appointed or elected, and have qualified.

Election of  
board, when  
held, etc.

SEC. 2. At the annual election held in said county on the first Monday of April, nineteen hundred eight, there shall be elected three members of the board of county auditors, who shall hold office from and after the first day of July succeeding said election, for the periods of one, two and three years, and the persons to be elected for each period shall be so designated on the ballot or voting machine used at such election. At every annual spring election thereafter, there shall be elected one member of said board, who shall hold office for three years from the next succeeding first day of July. Whenever a vacancy shall occur in said board, it shall be filled by the judge of probate, county treasurer and county clerk, and such appointment shall be for the unexpired term of the vacancy so filled. No person holding any other office or employment under the county of Bay, or any of the townships of the county of Bay, or of the State of Michigan, and no person not being an elector of said county, shall be eligible to an appointment or election as a member of said board of auditors.

Vacancy, how  
filled.

Eligibility to  
office.

First meeting,  
etc.

SEC. 3. At the first meeting of the said board of auditors after the passage of this act, and at the first meeting of each January thereafter, it shall proceed to elect a chairman from among its members. The chairman of said board shall, when present, preside over its meeting. It is hereby made the duty of the county clerk of the county of Bay, by himself or his deputy, to be in attendance during each of said meetings, and be the clerk of said board, without any compensation other than his regular salary. The said clerk of said board shall, in addition to all such duties as may devolve upon him, keep a record of all business transacted by said board, and the minutes of the proceedings of all meetings held, and shall, under the direction of and for said board, have charge of all letters, papers, documents and records of said board. Any

Clerk, duties  
of.

two members of said board shall constitute a quorum for the transaction of business. The members of said board shall receive compensation at the rate of five hundred dollars per year, payable monthly. Compensation to members.

SEC. 4. The said board of county auditors shall meet for the transaction of business in the office of the clerk of the county of Bay, or in some convenient room in the court house of said county, and when said board is not in session, the clerk of the county of Bay shall receive, file and be custodian of all books, papers, etc., belonging to or intended for said board, and deliver them, on demand, for examination, to any member of said board. Said board of auditors shall meet for the transaction of business in the court house on the first Wednesday of each month and continue its sessions daily from nine o'clock a. m. to twelve o'clock m., and from two o'clock p. m. to five o'clock p. m., until pending business is disposed of. Meetings, when and where held, etc.

SEC. 5. No claim against the county of Bay, including all claims incurred by the county drain commissioner, shall be paid by the treasurer of Bay county, until it shall have been duly audited and allowed by the board of auditors, and payment of an audited claim shall be made only upon a warrant duly signed by the chairman of said board, and countersigned by its secretary, except salaries fixed by law or by the board of supervisors of said county, and jury and witness fees, primary school moneys and such other funds as may come into the hands of the county treasurer, which are created by and disbursed under special statutes relating thereto. Any violation of this section of this statute shall, on conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or by both such fine and imprisonment, in the discretion of the court. Claims, when and how paid.

SEC. 6. The said board shall have power, and it is hereby expressly authorized and directed: Exceptions.

First, To audit all claims which are chargeable against Bay county, as in section five above provided, and to draw warrants therefor, duly signed by its chairman and countersigned by its secretary, but no warrant shall be drawn or issued by said board except for the amount of a just claim against said county, which has been duly allowed by said board; Penalty for violation.

Second, To purchase such books, stationery, blanks, printed matter, furniture and general supplies, as shall be necessary for the use of the county and its offices and the circuit court; Powers.

Third, To examine the books and accounts of all county officers. The said board may, as often as it deems necessary, require the accounts and vouchers of any county officer to be presented, and after the same shall have been examined and audited by said board, it shall not be required that said account be again audited by the county board of supervisors for examination. Whenever any moneys are paid to the county treasurer by an officer or agent of Bay county, such officer or agent shall take a duplicate receipt therefor, which Audit claims, draw warrants.

Purchase supplies.

Examine accounts, etc.

County treasurer to make monthly reports to board.

shall be filed forthwith in the office of said board, and said county treasurer shall, at the end of each month, and at such other times as may be required by said board, report to said board all moneys received by him, from and after making his last report;

Recommend number of clerks, etc., and their compensation.

Fourth, To recommend to the board of supervisors the number of clerks, assistants and other help necessary in the several county offices, and also recommend compensation for such deputies, clerks and assistants employed therein, and in the circuit court, when not otherwise provided by law;

Require officers to make reports, penalty.

Fifth, To require any county officer to make a report under oath of any subject or matter connected with the duties of his office. Any person violating the provisions of this subdivision shall, upon conviction thereof, be punished as provided in section five hereof;

Approve bonds.

Sixth, To approve any and all official bonds in which the county may be interested, where the approval of such bonds is not otherwise provided by law, and where not otherwise provided by the law, the board may require any officer, deputy, assistant or clerk to give bond to the people of the State of Michigan in such sum as it deems reasonable and necessary for the faithful performance of their respective duties;

Summon witnesses, etc., as to claims.

Seventh, To summon witnesses, administer oaths and take testimony as to the legality or justness of any bill or claim pending before said board;

Make monthly statement.

Eighth, To publish in the official paper of said county of Bay, on or before the tenth day of each month, a statement signed by the clerk of said board, of all claims against the county passed upon by the board during the preceding month, the amount thereof, by whom presented, and whether allowed or disallowed in whole or in part;

Prepare annual estimate of expenses, etc.

Ninth, To prepare annually before the first day of October of each year, a detailed estimate of the necessary expenses of the county of Bay for the ensuing calendar year, together with an estimate of the probable receipts of the county from all sources, other than taxation. These estimates shall be presented to the board of supervisors at its annual October session on the first day of such session, with the recommendation of said board of auditors as to the amount of money necessary to be raised for taxation for the several purposes of county expenditure;

When presented to board of supervisors.

Control court house, etc.

Tenth, To have immediate charge and control of the court house and all other county buildings of said county, and to provide for the maintaining of the same in an appropriate manner.

Court bills of justices of peace, allowing of.

SEC. 7. Before allowing the court bills of any justice of the peace of said county, the board of auditors shall require of said justice a certified statement from the county treasurer, showing that all fines collected by any such justice of the peace shall have been by him paid over to the county treasurer up to and including the date of all such pending bills, as required by law.

SEC. 8. No member of said board of auditors shall be directly or indirectly interested in any contract with Bay county which may involve the expenditure of any county moneys, or in the sale of supplies to said county, or in the performance of any paid services for said county, other than his services as a member of said board.

Members not to be interested in contracts with county, etc.

SEC. 9. The prosecuting attorney for the county of Bay shall, without any compensation other than his regular salary, be the legal adviser of said board of auditors and shall, on the request of any member thereof, render an opinion in writing on the legal status of any bill pending before said board, and shall, on his own motion, investigate the findings of said board, whenever, in his opinion, the public service will be benefited thereby, and shall institute criminal proceedings against the members of said board or any of them, for malfeasance or misfeasance in office.

Prosecuting attorney to be legal adviser, etc.

SEC. 10. Any member of said board of auditors who shall enter into collusion with any claimant or with any other person or persons to defraud said county, or to wilfully violate any of the provisions of this act, or shall wilfully or grossly neglect the duties of his office, shall be guilty of a misdemeanor and, on conviction thereof, shall be punished as provided in section five hereof. The conviction of any auditor for the violation of any of the provisions hereof shall vacate the office of such auditor.

Penalty for violations, etc.

SEC. 11. Before entering upon his official duties, each member of the board of auditors shall execute a bond in the sum of two thousand dollars, with sufficient sureties to be approved by the Bay circuit judge, assuring the faithful performance of their respective duties, and shall take and subscribe the constitutional oath of office and file the same in the office of the county clerk.

Bond, amount of, and oath, members to give.

SEC. 12. All acts or parts of acts in conflict or in anywise contravening any of the provisions of this act, are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved June 12, 1907.

## [No. 600.]

AN ACT authorizing the council of the village of Olivet to regulate, license and prohibit the sale of intoxicating liquors as a beverage within said village; to regulate and prescribe the location of saloons where intoxicating liquors are sold within said village; to revoke any license for the violation or non-observance of any ordinance in relation thereto.

*The People of the State of Michigan enact:*

Saloons,  
council may  
enact ordi-  
nances  
regulating.

SECTION 1. The council of the village of Olivet, in addition to such other powers as are conferred by law, shall have the following power and authority: Said council may enact such ordinances as it may deem desirable to regulate, license, in addition to the tax imposed by law, prevent or prohibit all saloons in which spirituous, fermented or intoxicating liquors are sold as a beverage and to regulate and prescribe the locations of such saloons, and may revoke any license granted, for the violation or non-observance of such ordinances, upon conviction of said person or persons, engaged in the aforesaid business, by a court of competent jurisdiction, and may absolutely prevent or prohibit the sale of spirituous, fermented or intoxicating liquors as a beverage within said village. To limit and restrict the number of saloons or places for the sale or furnishing of such liquors that may be licensed or maintained within said village, and to prescribe appropriate fines and penalties for the violation of such ordinances as may be imposed under the power and authority given by this act.

Council may  
limit number  
of and  
prescribe  
penalties.

This act is ordered to take immediate effect.

Approved June 12, 1907.

## [No. 601.]

AN ACT to provide for the nomination by popular vote of candidates for the office of circuit judge in the thirty-ninth judicial circuit, at a primary election, to regulate such primary elections, and to repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

Primary  
election, when  
held,

SECTION 1. On the second Tuesday preceding any general spring election or special election, at which a circuit judge of the thirty-ninth judicial circuit, composed of the county of Lenawee, is to be elected, a primary election shall be held in the several townships of said county of Lenawee, and wards of



the cities of Adrian and Hudson, and at said primary election the candidates of the various political parties for said office of circuit judge of said thirty-ninth judicial circuit, who are to be voted for at the ensuing election, shall be chosen by popular vote as hereinafter provided.

SEC. 2. The primary elections of all political parties shall be held at the same time and place and in the manner provided for in this act, and not otherwise. The person who receives the greatest number of votes for nomination for candidate for such office of circuit judge shall be the candidate of his party for said office at the next ensuing election. The board of election inspectors, now provided for in the general election law, shall constitute a board of primary election inspectors in the various voting precincts, under authority of this act, which boards shall perform similar duties and receive similar compensation to that provided for in the general election law.

Manner of holding.

Commissioners of, who to be.

SEC. 3. Before the name of any person shall be placed upon the primary election ballot as hereinafter provided there shall be filed in the office of the county clerk of the county of Lenawee a petition or petitions, signed by at least one hundred qualified voters residing in said thirty-ninth judicial circuit, and belonging to the same political party which it is desired to have such person represent, as a candidate for the office of circuit judge. The petition or petitions shall be directed to the county clerk, and shall request that the name of the particular person be printed upon the primary election ballot, as the candidate of said political party for said office. No person shall sign more than one such petition for such primary election, nor the petition for more than one person to become a candidate for said office at such primary election. Such petition or petitions shall be filed in the office of said county clerk not later than five o'clock in the afternoon of the fifth day before the primary election day, and may be in substantially the following form:

Petition for placing candidates on ballot, number of signatures, etc

When and where filed.

We, the undersigned, residents in the thirty-ninth judicial circuit, State of Michigan, and qualified voters therein, and belonging to the.....party, do hereby petition ..... , who resides in the city (or township) of....., county of Lenawee, State of Michigan, to become a candidate for nomination for the office of circuit judge of the thirty-ninth judicial circuit, to be made at the primary election of said party, to be held on the ..... day of ..... , 190.., and we do hereby request that the name of said.....be printed upon the official primary election ballot, as provided by law, as the candidate of the.....party for said office.

Form of.

If the person so named in such petition or petitions shall be eligible for said office of circuit judge, and unless such person shall file in the office of said county clerk, before five

Names, when placed upon ballot, filing of refusal.

o'clock in the afternoon of the fourth day before the primary election day, his written refusal to become a candidate for nomination for said office, the board of election commissioners for the county of Lenawee shall place or cause to be placed the name of such person upon the primary election ballot in the proper column, in the manner hereinafter provided.

Ballots,  
preparing of,  
etc.

SEC. 4. The method of voting at said primary election shall be by ballot. All ballots shall be printed and prepared by the board of election commissioners of said county in the manner herein provided. On the fourth day before any primary election to be held under the provisions of this act, the board of election commissioners of Lenawee county shall group all the names of the candidates of each political party for said office by themselves, and shall post said names in some public, conspicuous place in the office of the county clerk, for the purpose of affording an inspection thereof. The board of election commissioners for said county shall cause the names of all candidates of the various political parties, entitled to appear upon the ballot, to be printed on one ballot. All names shall be printed with black ink on white paper, the size of the ballot to be determined by the said board of election commissioners. The names of the candidates of the political party which cast the greatest number of votes within the county for Secretary of State at the last preceding general election, shall be placed first on the ballot under the name of the political party which they represent, and the position of the names of other candidates representing other political parties shall be governed relatively by the same rule. The various names of the candidates representing the same party shall be printed, the one beneath the other, and each name shall be separated from the other by a light line. There shall be a square placed to the left of each name appearing upon the official primary ballot. The columns of names representing different political parties shall be separated, the one from the other, by a heavy bold-faced line. In order to vote for any candidate whose name appears upon the official primary ballot, it shall be necessary for the voter to place a cross in the square to the left of the name of the candidate he desires to vote for. If a cross shall appear in more than one square upon the ballot, such ballot shall be excluded by the board of election inspectors, and such ballot shall not be counted for any candidate. The name of the candidate, not appearing upon the ballot, may be written or pasted upon the ballot by a voter, and shall be counted as a candidate of the political party named at the top of the column where it appears. The arrangement of the primary election ballot shall conform, as nearly as possible, to the following plan, and shall contain the following instructions:

Form of.

## OFFICIAL PRIMARY ELECTION BALLOT.

PRIMARY ELECTION THE 11TH DAY OF MARCH, 1907.

Candidates for office of circuit judge in thirty-ninth judicial circuit.

Instructions: Make a cross (X) in the square [ ] to the left of the name of one candidate. Fold the ballot so the inspector's initials will appear on the outside.

REPUBLICAN.	DEMOCRATIC.	PROHIBITION.
<input type="checkbox"/> JOHN JONES.	<input type="checkbox"/> WILLIAM SMITH.	<input type="checkbox"/> HENRY CLAY.
<input type="checkbox"/> GEORGE ANDREWS.	<input type="checkbox"/> ROBERT STEPHENS.	<input type="checkbox"/> MICHAEL BROWN.
<input type="checkbox"/> GEO. JENKS.	<input type="checkbox"/> THOMAS LABAR.	<input type="checkbox"/> THERON CRAIG.

SEC. 5. The name of each candidate for such office shall be printed under the appropriate heading on the ballot, and the position shall be changed on the ballot after each one hundred ballots have been printed. The printer shall take the line of type at the head of the division and place it at the bottom of the division, shoving up the column so that the name that was second before the change, will be first after the change. They shall be kept in separate piles, one pile for each change of position, and then shall be piled by taking one from each pile and placing it upon the pile to be cut, the intention being that every ballot in the pile shall have a different position, as near as may be. After the pile is made in this manner, they may be cut and placed in piles, as provided by the general election laws. There shall be no printing on the backs of the ballots or any marks to distinguish them, but the initials of the chairman of the board of inspectors. The manner of placing inspector's initials upon the ballots shall be governed by the provisions of the general election law.

Position of  
names, how  
changed.

SEC. 6. It shall be the duty of the board of election commissioners of Lenawee county to provide and prepare a sufficient number of ballots to be used at such primary election. The number of ballots to be printed shall be twenty per cent. more than the total vote of all political parties for Secretary of State in Lenawee county at the last preceding November election. A proof copy of the ballot shall be placed on file in the office of the county clerk of said county of Lenawee, to be open for the inspection of candidates named thereon, at least forty-eight hours prior to said primary election. The

Ballots,  
number of, to  
be printed.

Proof copy,  
when and  
where filed,  
etc.

ballots shall be delivered by the said board of election commissioners to the several chairmen of the several boards of election inspectors in the several wards or voting precincts of said cities, and the townships and election districts of said county, in the manner provided by the general election laws of the State of Michigan, for the delivery of ballots.

Ballots printed in different form, etc., or given to other persons, unlawful.

SEC. 7. It shall be unlawful for the printer of such ballots or any other person to give or deliver to any one, or knowingly permit any of said ballots to be taken by any person, other than the said board for whom such ballots are printed, or print or cause or permit to be printed, any primary election ballot in any other form than the one prescribed by this act, or with any other names thereon, or with names misspelled, or the names arranged in any other way than that authorized and directed by said board of election commissioners.

Primary election, places for holding.

SEC. 8. The primary election herein provided for shall be held in each voting precinct in said county, and at the place where the last preceding election was held, or at such place as may be designated by the officers, whose duty it is to designate the place for holding elections. At least five days prior to the time herein set for the holding of such primary election, the sheriff of Lenawee county shall give notice of the holding of such election, which notice shall be in writing and delivered to the township clerk of each township and the several chairmen of the several boards of primary election inspectors in said cities of Adrian and Hudson.

Notice of, when given by sheriff.

Boards of primary election inspectors, who to constitute, etc.

SEC. 9. The various boards of election inspectors in the county of Lenawee shall constitute the several boards of primary election inspectors under authority of this act, and shall manage and conduct such primary election in the various voting precincts, and shall perform similar duties to those required of said boards under the provisions of the general election law, in so far as the provisions of the latter may be applicable. All officers having duties to perform under the general election law, shall perform similar duties under this act, in so far as the provisions of the general election law may be applicable. The members and clerks of said several boards of primary election inspectors shall each receive three dollars for his services at such primary election, to be paid from the same fund and in the same way as in general elections: *Provided, however,* That in case any other primary election shall be held in any voting precinct at the same time and place as the primary election under this act, no member or clerk of the board of primary election inspectors for such voting precinct shall receive more than the sum of three dollars for his services at all such primary elections. The provisions of the general election law relative to pencils, ballot boxes, tally sheets, etc., shall be applicable, except in so far as they may be inconsistent herewith.

Compensation.

Proviso.

Sections of general election law made applicable.

SEC. 10. The following sections of the general election law of this State, relative to the arrangement of the polling places, the ballot boxes, booths, inspectors and clerks, are

hereby made applicable to primary elections held under this act, to wit: Sections three thousand six hundred thirty-two, as amended, and three thousand six hundred seventeen of the Compiled Laws of eighteen hundred ninety-seven.

SEC. 11. The polls in the several voting precincts on primary election day shall be kept open for the purpose of voting, from nine o'clock in the forenoon until five o'clock in the afternoon. Time polls kept open.

SEC. 12. All persons who were qualified voters and entitled to vote in any precinct in said county at the last preceding election, shall be entitled to vote in that precinct at the primary election. At such primary election, as soon, at least, as the polls are opened, the township clerk in townships, and the proper officials in cities, shall cause the register of voters of such voting precinct to be placed in the hands of the inspectors of the primary election, to be used by them during such primary election, and to be returned immediately thereafter to the officer from whom received, and the inspectors shall not receive the vote of any person whose name is not written therein, unless such person is a resident of that voting precinct, and will be entitled to vote therein at the next ensuing election. It shall be competent for any elector or inspector of primary election present, to challenge the right of any one offering to vote, on the ground that he is not a legal voter in that precinct. When the right of any voter to cast a ballot is challenged, he shall be entitled to make oath that he will be entitled to vote in that precinct at the next ensuing election. Such oath or affidavit shall be in the following form: Voters, qualifications of, etc.

I, ....., do hereby solemnly swear that I am a resident and voter in the township of .....or .....precinct of .....ward of the city of ....., or will be at the next ensuing election. Challenging voters, oath.

The inspectors of primary elections, in their discretion, may require a voter challenged, to subscribe to the above oath or affidavit. Printed copies of it for that purpose shall be furnished in sufficient number, as primary election tickets and tally sheets are furnished. When a challenge is decided in favor of a voter, he shall then receive the ballot asked for, and be entitled to the privilege of voting, the same as though his right had not been challenged. When any voter shall be challenged, the inspector receiving the tendered vote, shall place a number on the back of the ballot. The same number shall be set opposite the person's name offering such challenged vote, by the clerk of said primary election. The numbers shall not be divulged to any person or persons whomsoever, unless there shall be a contest or a recount of the result of the primary election, or an order to do so by a court of competent jurisdiction. The first challenged vote shall be numbered one, and then each challenged ballot shall be in numerical order, as the challenges are made. Oath, form of.

Voting,  
manner of.

SEC. 13. When an elector has received his ballot, he shall forthwith retire to an unoccupied booth and, without delay, mark the ballot as he sees fit, with the pencil to be found in such booth. If he soils or defaces said ballot, he shall at once return the same and get a new ballot. In marking a ballot, the elector shall designate his choice on his ballot by marking a cross (x) in the small square to the left of the name of the candidate for whom he desires to vote. When he has prepared his ballot, he shall fold it with the edge upon which are the initials of the chairman uppermost, and so as to conceal the face thereof and all marks thereon, and shall hand the same to the inspector of said primary election who is in charge of the ballot box. The folded ballots, when returned, shall be placed in the proper ballot box and the name of the voter checked off upon the registration list, kept by said board of inspectors of the primary election.

Canvass of  
votes.

Ballots in  
excess of  
number of  
electors.

SEC. 14. As soon as the polls are finally closed, the board of primary election inspectors shall proceed to canvass the votes. Such canvass shall be public. The ballot boxes shall be opened and the whole number of ballots counted. If the ballots shall be in excess of the number of electors voting, according to the poll list, they shall be replaced in the box and one of the inspectors shall publicly draw out and destroy so many ballots therefrom, unopened, as shall be equal to such excess. Except as herein otherwise provided, the matters pertaining to the canvassing of votes shall be conducted in the manner prescribed for the canvassing of votes at general elections in this State.

Tally sheets,  
number of,  
furnished.

Heading of,  
etc.

SEC. 15. Two sets of tally sheets or two tally books for each political party having candidates to be voted for at such primary election, shall be furnished for each voting precinct by the county clerk of the county in which such voting precinct is located, at the same time and in the same manner that the ballots are furnished, and shall be substantially as follows: Each tally sheet, or the first sheet for each tally book to be furnished, shall be headed: Tally sheet for..... (name of political party), ..... (name of the county or city), ..... (name of ward or town), ..... voting precinct for a primary election, held..... (date). Opposite the names of the respective candidates shall be placed the whole number of votes cast for him at said primary election. This tally sheet, together with the ballots, shall be placed in the ballot boxes and delivered by the chairman of said board of primary election inspectors to said county clerk.

Canvassing  
board, who  
to constitute,  
when to  
canvass.

SEC. 16. The judge of probate and the county clerk of Lenawee county, and the clerk of the city of Adrian and of the city of Hudson shall constitute the canvassing board for said thirty-ninth judicial circuit, for the purpose of the primary election, and shall meet in the office of the probate judge in the court house of Lenawee county at ten o'clock in the forenoon of the Thursday next following said primary

election and shall proceed, after taking the usual oath of office, openly and publicly to canvass the primary election returns made to said county clerk. The canvassing board need not wait until all the returns are at hand before beginning such canvass.

SEC. 17. The canvassing board shall make and prepare a statement, the same to be signed by the said board and filed in the office of the county clerk, as follows:

Statement,  
board to  
make, where  
filed.

First, A statement containing the names of all candidates for circuit judge, voted for at the primary election, with the number of votes received by each, said statement to be made as to each political party, separately;

Names of  
candidates  
and votes.

Second, A statement of the name of the person or candidate of each political party who is nominated, to wit: The person or candidate of such political party who receives the highest number of votes as candidate for said office of circuit judge; said statement shall be in like manner made separately as to each political party. If two or more candidates of the same political party receive an equal number of votes, the tie shall be determined by lot, to be cast then and there by the canvassing board in such a manner as it may determine. It shall be the duty of such canvassing board to notify each of the successful candidates of his nomination, and that his name will be placed upon an official ballot at the next ensuing election.

Name of  
nominee of  
each party.

Tie vote.

Nominees to  
be notified.

SEC. 18. The person who receives the greatest number of votes at such primary election, shall be and constitute the nominee for circuit judge of the political-party of which he is a candidate, and his name shall be printed upon the official ballots as prepared for the ensuing election by the board of election commissioners, in like manner as if such person had been duly nominated by a party convention of delegates, with a certificate thereof, filed as required by said general election law. No name of any candidate of any political party, which is required to make nomination under this act, of a candidate for the office of circuit judge, shall be placed upon the official election ballot, unless such candidate has been chosen in accordance with this act, except in the case of vacancy occasioned by death, removal or resignation, or in case the candidate so nominated shall be disqualified from holding the office of circuit judge under the laws of this State, and, in such event, the campaign party committee of the same political party for such judicial circuit, or if there be no such committee, then a mass convention of such party, may fill such vacancy and, except in case a candidate for said office of circuit judge, desiring to be placed on such official ballot, has been nominated as an independent candidate in mass convention by at least two hundred voters of said judicial circuit. The name of such new candidate, or such candidate to fill vacancy, shall be certified under oath to the county clerk of Lenawee county by the chairman or secretary of such committee or convention, who shall certify the name of such candidate to the board of election commissioners.

Nominee,  
who to be, etc.

Vacancies.

Candidates  
nominated in  
mass  
convention.

Petition  
contesting  
nomination  
of other  
candidates,  
when filed.

Proviso,  
sum of money]  
deposited.

Petition, what  
to set forth.

In writing  
and sworn to,  
and copy  
served.

Board of  
canvassers to  
be notified of  
filing petition.

Ballot boxes  
brought before  
board, by  
whom or-  
dered, etc.

Certain  
sections of  
compiled laws  
applicable.

Electioneering  
at polling  
places, etc.,  
unlawful.

SEC. 19. Any candidate for circuit judge, voted for at a primary election in said judicial circuit, may contest the nomination of any candidate against him at said primary election, by filing a petition with the probate judge of Lenawee county within twenty-four hours after the close of the polls, in which he shall specify the causes for which such application is made: *Provided*, That at the time of filing his petition, he shall deposit twenty-five dollars with said judge of probate, which amount shall be disposed of as hereinafter provided. The said petition shall set forth that the petitioner was a candidate for the office of circuit judge, and that he received votes therefor, and that he has good reason to believe and does believe, either:

First, That there was an error or fraud in the count or in the returns of the inspectors of the primary election;

Second, That there was an error or fraud in the count or in the determination of said board of canvassers;

Third, That there was an error or fraud in the voting, and further stating that he believes that unless the ballot boxes are opened and votes counted without unnecessary delay, his rights will be jeopardized.

Said petition shall be in writing and shall be subscribed and sworn to by the person or by some one in his behalf. A copy thereof shall be served upon the person or persons who are candidates for such office of circuit judge at said primary election.

SEC. 20. Upon the filing of said petition, said judge of probate shall forthwith notify the members of said board of canvassers created by section sixteen of this act, of the filing of said petition and shall, in the notice, appoint a time and a place for the board of canvassers to meet, which time shall not be more than twenty-four hours after the filing of said properly verified petition; and said judge of probate shall issue an order causing the ballot boxes to be brought before the board of canvassers at the place and time specified in the order, and a copy of such order shall be served upon the person whose election is to be contested, and also upon the officers in whose custody is kept the ballot boxes of said primary election, whose duty it shall be to produce said ballot boxes before said board of canvassers, at the time and place named in said order. The provisions of sections three thousand seven hundred twenty-nine, three thousand seven hundred thirty, three thousand seven hundred thirty-one and three thousand seven hundred thirty-two of the Compiled Laws of eighteen hundred ninety-seven are hereby made applicable, as far as possible, to this act.

SEC. 21. Any person who shall, while the polls are open at any balloting place, on any primary election day, do any electioneering in said polling place, or within one hundred feet of said polling place; any person who shall offer or give to another person any intoxicating liquors, or drink any intoxicating liquors within any such polling place; any person



who shall solicit or receive, directly or indirectly, by himself or agent, any money or promise of place or position, or any valuable consideration for his vote or support at any primary election; any person who shall offer any vote or any money or reward of any kind, or who shall promise any place or position for the purpose of securing such votes or vote or support, at any such primary election; any person who shall knowingly violate any of the provisions of this act; any person who shall refuse to perform any duty enjoined upon him by this act; any person who shall vote or attempt to vote more than once, or in more than one election district, at the same primary election; any person who shall solicit another person to vote more than once at said primary election, shall be guilty of a misdemeanor. Any person who shall be convicted of any of the acts or omissions which are by this act declared to be misdemeanors, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Penalty for violations.

SEC. 22. All acts or parts of acts in any wise contravening the provisions of this act, are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved June 12, 1907.

### [No. 602.]

AN ACT to authorize and empower the board of trustees of the village of Edmore in the county of Montcalm and State of Michigan, by ordinance to restrain, regulate and license saloons or any place or places wherein spirituous and intoxicating liquors are kept for sale within the said village of Edmore, and authorizing the enactment of suitable penalties for violation thereof.

### *The People of the State of Michigan enact:*

SECTION 1. The board of trustees of the village of Edmore in the county of Montcalm and State of Michigan, shall be and are hereby empowered to enact such ordinances, by-laws and regulations as they may deem desirable, for the purpose of restraining, regulating and licensing saloons or any other place or places wherein spirituous and intoxicating liquors are sold or kept for sale, and to regulate and prescribe the location at which such spirituous and intoxicating liquors may be sold: *Provided*, That the license prescribed by such board of trustees shall not exceed five hundred dollars.

Saloons, board may enact ordinances regulating.

SEC. 2. When, at any time, said board of trustees shall prescribe by ordinance that saloons or any other place or places wherein spirituous and intoxicating liquors are sold or offered or kept for sale, shall pay a license to the village

Proviso, amount of license, limited.

License, payment of, before engaging in business.

of Edmore, then and after such ordinance shall have taken effect, no person shall engage in or begin or continue the business or occupation of keeping saloons or any other place or places wherein spirituous or intoxicating liquors are sold or offered or kept for sale within the village of Edmore, until said license shall have been fully paid as prescribed by said ordinance, nor shall the board of trustees approve any bond thereafter presented, under act three hundred thirteen of the public acts of eighteen hundred eighty-seven, by any person already engaged in the business of operating a saloon, or other place or places wherein spirituous and intoxicating liquors are sold or offered or kept for sale, until he is first licensed by the board of trustees of the village of Edmore, under such regulations and penalties as the board of trustees of said village may lawfully provide.

Penalty for not procuring, etc., license, board may provide for.

SEC. 3. The board of trustees of the village of Edmore is hereby authorized and empowered to provide by ordinance for the punishment of any person or persons engaging in or beginning or continuing, even on liquor bonds heretofore approved, the business or occupation of keeping a saloon or other place or places wherein spirituous or intoxicating liquors are sold or offered or kept for sale, who shall neglect or refuse to procure a license, or shall neglect or refuse to pay the amount of license provided by ordinance of the board of trustees of the village of Edmore.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 603.]

AN ACT to authorize the city of Sturgis in the county of St. Joseph to borrow money and issue bonds for the purposes of installing or extending a public lighting system, and of installing or extending a system of public water works.

*The People of the State of Michigan enact:*

Loan, amount of.

SECTION 1. The city of Sturgis in the county of St. Joseph is hereby authorized and empowered to borrow fifty thousand dollars on the faith and credit of said city, for the purposes of installing or extending a public lighting system and of installing or extending a system of public water works, said sum of fifty thousand dollars being in addition to the present limit of five per cent. on the assessed valuation of the property included within the limits of said city, for the purpose of purchasing or constructing a water works system, and in addition to the five per cent. limit on the assessed valuation

for the purpose of acquiring or constructing a lighting system, as authorized by the general law governing cities of the fourth class. The said city of Sturgis is hereby authorized to issue its bonds to the above amount for the above named purposes: *Provided*, That the council of said city, by a two-thirds vote, shall determine so to do: *Provided further*, That a majority of the qualified electors voting on the question of such loan shall vote in the affirmative: And *Provided further*, That if the city should ever own a water power and should not require for its own use all of the power which might be developed thereby, the city shall have the right to lease all surplus power to any person, firm or corporation desiring the same, and to charge and collect compensation for the use thereof.

Bonds,  
purpose for  
issuing.

Proviso.

Further  
proviso.

Further proviso.

SEC. 2. The bonds hereby authorized shall be issued in such amounts, at such times and at such rate of interest, not exceeding six per cent per annum, as the common council of said city may determine, but said bonds shall not run longer than for a period of thirty years. Said bonds shall be signed by the mayor and countersigned by the treasurer of said city, and shall be negotiated under the directions of said common council, at not less than par. The money derived from the sale thereof shall be expended for the purposes mentioned in this act, and for no other purpose.

Bonds, issue  
of, etc.

SEC. 3. The election at which the issue of these bonds or any part of the same shall be authorized, shall be an annual election for city officers, or a special election called for said purpose by the mayor and common council of said city. Notice of such election shall be given for a period of not less than thirty days, which notice shall be published each week in one or more newspapers published in said city, for not less than three consecutive weeks. Said election shall be conducted in all respects in accordance with the general laws governing elections in cities of the fourth class, on questions of raising money or issuing bonds.

When  
question  
submitted to  
electors, etc.

This act is ordered to take immediate effect.

Approved June 12, 1907.

#### [No. 604.]

AN ACT to amend section twenty-nine of act number four hundred nineteen of the local acts of eighteen hundred ninety-nine, entitled "An act to establish a county road system in the county of Saginaw, and to provide money therefor," said section having been last amended by act three hundred thirty-five, of the local acts of nineteen hundred one, approved March nineteen, nineteen hundred one.

*The People of the State of Michigan enact:*

SECTION 1. Section twenty-nine of act number four hundred nineteen of the local acts of eighteen hundred ninety-

Section  
amended.

nine, entitled "An act to establish a county road system in the county of Saginaw, and to provide money therefor," is hereby amended to read as follows:

Moneys, how expended.

City of Saginaw, when to improve certain streets.

Amount retained from moneys raised in, purpose.

Proviso, as to excessive expenses.

SEC. 29. No money raised under the provisions of this act shall be expended within the corporate limits of the city of Saginaw except as hereinafter provided, nor used for any other purpose than herein provided. In the years nineteen hundred seven and nineteen hundred eight the following named streets and highways within and adjoining the corporate limits of the city of Saginaw, and connecting with county roads, shall be improved by the city of Saginaw by grading, graveling, macadamizing or paving, or any other form of improvement, which in the judgment of the said authorities of the city of Saginaw may be deemed necessary and advisable. Said streets are as follows, viz: Brockway street, from Gratiot avenue to the west city line; Court street, from Bay street to State road; State street, from Bond street to the west city line; Sheridan avenue, from Holland avenue to the south city line at Bradley street; Washington avenue, from Sixth street to the east city line; East street from Washington avenue to the south city line, at the southeast corner of the northeast quarter of section two, town eleven north, range four east; Williamson street, from city line to Gallagher street. From the moneys raised in the city of Saginaw in nineteen hundred seven, by virtue of act four hundred nineteen of the local acts of eighteen hundred ninety-nine, said city of Saginaw shall retain twenty per cent. of the money so raised, and a like amount from the moneys so raised each succeeding year, to be used in the payment for improvements of the streets herein named and for no other purpose: *Provided, however,* That no part of such money shall be used in payment of any improvements to said streets in excess of six thousand dollars per mile, but any such excess shall be paid by the said city of Saginaw, as the common council of said city may determine. The work of improving the aforesaid streets shall be done by the city of Saginaw, which shall assume all responsibility for the construction and maintenance thereof.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 605.]

AN ACT to authorize the village of Stambaugh in the county of Iron, to raise money by bonding the village to construct water works.

*The People of the State of Michigan enact:*

Authority to issue bonds.

SECTION 1. The common council of the village of Stambaugh in the county of Iron shall be and hereby is authorized

and empowered to borrow money on the faith and credit of said village, and issue bonds therefor to an amount not to exceed ten thousand dollars, which shall be expended in constructing and maintaining water works for fire protection and domestic use: *Provided*, That two-thirds of the electors of said village voting at an election to be called in compliance with the provisions of that portion of chapter eighty-seven of the Compiled Laws of the State of Michigan for the year eighteen hundred ninety-seven, relating to special election in villages, shall vote in favor of such loan and not otherwise.

Proviso.

SEC. 2. The question of raising said money by loan shall be submitted by the common council of said village to the electors thereof, and the proceedings in relation thereto shall be had and the vote shall be taken, as near as may be, in accordance with the provisions of said chapter eighty-seven of the Compiled Laws of the State of Michigan for the year eighteen hundred ninety-seven in relation to special elections in villages, and the acts amendatory thereto, except that those electors voting for said loan shall have written or printed on their ballots the words "For the loan," and those voting against the loan shall have printed or written on their ballots the words "Against the loan."

Submission to electors.

SEC. 3. If such loan shall be authorized by two-thirds of such electors, such bonds may be issued in such sums, not exceeding the amount hereinbefore limited and voted, and payable at such times, with such rates of interest, not exceeding six per cent. per annum, as the said common council may direct, and shall be signed by the president of said village and countersigned by the clerk of said village, and negotiated by or under the direction of said common council, and the money arising therefrom shall be appropriated in such manner as said common council shall determine, for the purpose aforesaid, and the said common council shall have power and it shall be their duty to raise by tax upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

Bonds, issue of, when payable, interest, etc.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 606.]

AN ACT providing for compensation to the register of deeds of Delta county.

*The People of the State of Michigan enact:*

SECTION 1. The register of deeds of Delta county shall receive for his services such compensation, in addition to the fees provided for by law, as the board of supervisors of said

Compensation, board of supervisors to determine.

county shall deem reasonable to be allowed and ordered by them.

When to  
determine.

SEC. 2. The board of supervisors of said county of Delta, at the annual meeting in October in each even numbered year, shall have authority to vote such annual salary to the register of deeds, in addition to the fees provided by law, as they shall deem reasonable.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 607.]

AN ACT to incorporate the city of Allegan in the county of Allegan.

*The People of the State of Michigan enact:*

Territory  
included.

SECTION 1. The corporation heretofore known as the village of Allegan, and the inhabitants thereof, shall be and the same are hereby created a corporation by the name of the city of Allegan, which shall embrace the following territory: The southeast quarter of section twenty, the south half of section twenty-one, the east half of the northwest quarter of section twenty-one, the southwest quarter of section twenty-two, the east half of section twenty-nine, section twenty-eight, west half of section twenty-seven, northeast quarter of section thirty-two, north half of section thirty-three, northwest quarter of section thirty-four, all in the township of Allegan, county of Allegan and State of Michigan, and also such other territory as may hereafter be added thereto, and such corporation shall in all respects not herein otherwise provided for be governed by, and its powers and duties defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of eighteen hundred ninety-five and acts amendatory thereto.

Act governing  
corporation.

Wards,  
divided into.

First,  
territory  
embraced in.

SEC. 2. The city of Allegan shall be divided into two wards.

The first ward shall be included in the following boundaries: Commencing at a point on the south bank of the Kalamazoo river where the same crosses the west corporation line, thence south on the west corporation line to the southwest corner of the corporation, thence east on the south corporation line to the Kalamazoo river, thence in a northerly course down the west bank of said river to a point in line with the west line of Locust street, thence northerly along said line to Water street, thence north along the west line of Water street and Main street to the Kalamazoo river, thence

northwesterly along the south bank of said river to place of beginning.

The second ward of said city shall be included in the following boundaries: Commencing at a point on the south bank of the Kalamazoo river where the same crosses the west corporation line, thence north along the west corporation line to the northwest corner of the corporation, thence east to the southwest corner of the east half of the northwest quarter of section twenty-one, thence north along the west line of said east half of the northwest quarter of said section twenty-one to the north line of section twenty-one, thence east to the center line of section twenty-one, thence south along said center line to the center of section twenty-one, thence east to the northeast corner of said corporation, thence south on the east corporation line to the southeast corner of said corporation, thence west along the south corporation line to the west bank of the Kalamazoo river where the said river crosses the south corporation line, thence northerly down said river to a point in line with the west line of Locust street, thence northerly along said line to Water street, thence north along west line of Water street and Main street to Kalamazoo river, thence northerly along the south bank of said river to place of beginning: *Provided*, That by ordinance adopted by two-thirds vote of the aldermen elect the boundaries of the wards hereby created may be changed and new wards may be added.

Second.  
Proviso,  
change of  
boundaries.

SEC. 3. All ordinances, rules and regulations in force in the village of Allegan at the time this act shall take effect and not inconsistent with the provisions hereof and of the laws governing the said city of Allegan shall continue in full force until repealed or amended by the said council, and shall consist of and be known as the ordinances, rules and regulations of the city of Allegan.

Ordinances,  
etc., of  
village to be  
in force.

SEC. 4. At the time this act shall take effect, all rights and property of every kind and description which are vested in the village of Allegan shall be deemed and held to be vested in the city of Allegan as hereby incorporated, and no rights or liabilities either in favor of or against the former village of Allegan shall in any manner be affected by such change.

Rights or  
liabilities  
not affected  
by change.

SEC. 5. The following officers shall be elected at large from the qualified electors of said city, to wit: One mayor, one city clerk, one city treasurer, two justices of the peace, one supervisor and two aldermen. The mayor, clerk, treasurer and supervisor shall be elected annually and shall hold their office for the term of one year from the second Monday in April of the year when they are elected, and until their successors in office shall be elected and qualified. At the first election held under this act, there shall be elected at large from the qualified electors of said city one alderman to serve for the term of two years and one alderman to serve for the term of one year. At each annual election thereafter, there shall be elected at large from among the qualified electors

Officers at  
large, election  
of, etc.

of said city one alderman to serve for the term of two years and until his successor shall be elected and qualified.

Ward officers,  
election of,  
term of office.

SEC. 6. At the first election held in said city in April, nineteen hundred eight, there shall be elected in each ward one constable and one alderman for the term of one year, and one alderman for the term of two years, and they shall enter upon their duties the second Monday in April of the year of their election. At each annual election thereafter, there shall be elected in each ward one constable for the term of one year and one alderman for the term of two years, and they shall serve until their successors shall be elected and qualified.

Comprise  
single assess-  
ment district,  
etc.

SEC. 7. The city of Allegan shall comprise a single assessment district and the assessment of property and the spreading of taxes thereon shall be made by the city supervisor. The said supervisor shall be a member of the board of supervisors of said county of Allegan, and as such shall have the same rights, privileges, powers and compensation as other members of the said board of supervisors.

Board of  
review.

SEC. 8. The supervisor and two qualified freeholders and electors of said city to be annually appointed by the council, shall constitute the board of review of assessment of said city.

Justices of  
peace, elec-  
tion of, etc.

SEC. 9. The justices of the peace provided for in this act shall be elected at the first election held in said city, for the term of four years commencing on the fourth day of July following their election. The said justices of the peace shall have the same powers, rights, authority and jurisdiction as the justices of the peace elected in the several townships of the State.

Board of  
registration,  
when in  
session, etc.

SEC. 10. The board of registration of the city of Allegan shall consist of the city clerk and two aldermen, to be appointed by the common council. On the Saturday previous to the date of holding any annual or special election, and on any other days that the council shall appoint, the board shall be in session from nine o'clock in the morning until eight o'clock in the afternoon for the purpose of completing the registration of qualified electors, and in case of the absence of the said clerk or either of the aldermen so appointed, those in attendance shall be authorized to appoint a qualified elector of the city to fill the vacancy. Notice of the time and place of such meeting shall be given with the notice of said election. The members of the board of registration shall each receive two dollars per day as compensation.

Compensation.

Rules  
governing  
registration.

SEC. 11. In making and completing any such registration, the board shall proceed in the same manner and governed by the same rules as near as may be to the rules provided by law for the registration of electors in townships.

Appointive  
officers.

SEC. 12. The following officers shall be appointed by the mayor by and with the consent of the council, namely: A city attorney, city marshal and a chief engineer of the fire department. The council may also from time to time provide by



ordinance for the appointment of such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act. All such appointments shall be made by the mayor, by and with the consent of the council, and their powers and duties shall be prescribed by ordinance, but the mayor shall have no vote in the council on the question of his appointments of the above named officers.

Sec. 13. The mayor and aldermen shall serve without compensation. The city marshal, clerk, treasurer, city attorney and engineer of the fire department shall each receive such annual salary as the council shall determine. The compensation of the supervisor for assessing and levying taxes, extending taxes on his roll and all other services performed by him shall be two dollars per day for the time actually employed. The justices of the peace, constable and other officers who serve papers and make arrests may, when engaged in cases and proceedings for violation of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of this State: *Provided*, That the marshal shall not receive extra compensation for arrests, nor for service of papers where prosecution is under the city ordinance, nor for services rendered to the city. All other officers elected or appointed in the city shall receive except as herein otherwise provided, such compensation as the council shall determine.

Salaries.

Proviso as to marshal.

Sec. 14. The legislative authority of the city of Allegan shall be vested in a council consisting of the mayor and six aldermen and the city clerk.

Legislative authority vested in council.

Sec. 15. The city of Allegan, in addition to such other powers as are conferred by this act, shall have the following general powers and authority, and the common council of said city may enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations in relation thereto, and for the exercise of the same, as they may deem desirable:

Ordinances, etc., council may enact, etc.

First, To restrain vice and immorality, gambling, noise and disturbances of the public peace, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation and its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

Preservation of peace, etc.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards and persons found drunk in any of the public streets, or places in the city, disorderly persons and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

Drunkards, etc.

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove any-

Nuisances, etc.

thing tending to cause or promote disease; to prevent and abate nuisances, and to punish or remove the same; and generally to determine and declare what shall be deemed nuisances;

Gambling,  
etc.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gambling or to play at games of chance, and to punish the keepers thereof, and the owners of the property used for such purposes;

Ball alleys,  
etc.

Fifth, To regulate, license or prohibit and suppress billiard tables, nine or ten-pin alleys or tables, and ball alleys, and card tables, and to punish the keepers thereof;

Gaming.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purposes of gaming;

Beer houses,  
etc.

Seventh, To prohibit and suppress ale, beer, and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

Saloons.

Eighth, To regulate, license, in addition to the State license for the same, prevent or prohibit all saloons in which spirituous, fermented or intoxicating liquors are sold or kept for sale as a beverage and to regulate and prescribe the location of such saloons, and to require all persons engaging in the business of conducting a saloon where spirituous, fermented or intoxicating liquors are sold or kept for sale to furnish a bond for such sum as may be required for the faithful observance of all lawful rules and regulations made concerning the conducting of said business, and may revoke any license granted for the violation or non-observance of such rules and regulations, and said corporation may, if deemed desirable, absolutely prevent or prohibit the sale of spirituous or fermented or intoxicating liquors as a beverage within said city; to limit and restrict the number of saloons or places for the sale or furnishing of such liquors that may be licensed or maintained within the city, and to prescribe appropriate fines and penalties for the violation of such regulations as may be imposed thereunder; and shall have power, by ordinance, to limit the number of saloons, hotel bars, clubs or other places, except drug stores, where any spirituous, malt, brewed, fermented, vinous or intoxicating liquors are sold in said city to any number, not more than one of such saloons, hotel bars, clubs or other places, except drug stores, where any spirituous, malt, brewed, fermented, vinous or intoxicating liquors are sold for every six hundred inhabitants of said city or fraction thereof, as shown by the last State, National or any census

Limit number  
of.

ordered by the city council: *Provided*, That nothing herein contained shall be construed to effect the location or existence of saloons, hotel bars or clubs existing and doing business in the village of Allegan on the twenty-third day of May, nineteen hundred seven; Proviso, location, etc., of certain saloons, not affected.

Ninth, To regulate, restrain, prohibit or license all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of every name or nature, for which money or other reward is in any manner demanded or received, lectures on historic, literary, religious or scientific subjects excepted; Sports, etc.

Tenth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled at any time for any lawful purpose, and to require all places of business to be closed on the Sabbath day; Sabbath violations, etc.

Eleventh, To license auctioneers, auctions, and sales at auctions; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys or upon any public ground within the city; to regulate or prohibit the sale of goods, wares, property or anything at auction, or by any manner of public biddings or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid to or by auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue; Auctions, etc.

Twelfth, To license hawkers, peddlers and pawn-brokers, and hawking and peddling; and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in or upon the streets, highways, alleys, sidewalks, or in any of the open places or spaces, public grounds or buildings in the city; No license for sales required by law.

Thirteenth, To regulate and license all taverns, hotels, houses of public entertainment; all saloons, restaurants, and eating houses; Peddlers, etc.

Fourteenth, To license and regulate all vehicles of every kind, used for the transportation of persons or property for hire in the city; Transportation vehicles.

Fifteenth, To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise; Merchandise, etc.

Sixteenth, To provide for the inspection and sealing of weights and measures; Weights and measures.

Seventeenth, To enforce the keeping and use of proper weights and measures by vendors; Use of weights, etc., by vendors.

Eighteenth, To regulate the construction, repair and use of all vaults, cisterns, areas, hydrants, pumps, sewers and gutters; Cisterns, sewers, etc.

Nineteenth, To prohibit and prevent in the streets and elsewhere in said city any indecent exposure of the person, Indecent exhibitions.

or show, sale or exhibition for sale of indecent or obscene pictures, drawing, engraving, painting and books and pamphlets, and all indecent or obscene exhibitions and shows of every kind;

Bathing.

Twentieth, To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city;

Streams,  
ponds, etc.,  
clearing of.

Twenty-first, To provide for clearing the streams, ponds and waters of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive, or drawing the water therefrom at such times and to such an extent as to make the localities near them unhealthy, or cause the atmosphere in their vicinity to be unwholesome or offensive;

Butcher  
shops, etc.,  
cleaning of.

Twenty-second, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, hog-pen, or other offensive, nauseous or unwholesome structure, place or house, to cleanse, remove or abate the same, whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;

Cellars,  
barns, etc.

Twenty-third, To direct and regulate the construction of cellars, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, cleanse, drain, alter, relay, or repair the same, or connect the same with any public sewer adjacent thereto, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, barn, private drain, sink or privy thereon;

Fraudulent  
games, etc.

Twenty-fourth, To prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or attempting to manage, use or practice the same, and all persons aiding in the maintenance, management or practice thereof;

Draymen,  
porters, etc.

Twenty-fifth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, automobiles and vehicles of every description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Poor, etc.

Twenty-sixth, To provide for the protection and care for paupers and poor persons in the city and to prohibit and prevent from bringing to the city from any other place any pauper or other person likely to become a charge upon said city, and to punish therefor;

Census.

Twenty-seventh, To provide for taking the census of the inhabitants of the city whenever the council shall see fit; and to direct and regulate the same;

Twenty-eighth, To regulate the keeping, storing, selling Explosives, and using of gun powder, fire crackers, fire works, kerosene, etc. gasoline, or other combustible oils and material, and the exhibition of fire works, and the discharge of fire arms, and to regulate and prohibit the making and the lighting of fires in the streets or other open spaces in the city; and to regulate the use of lights in barns, stables, and other buildings, and to make such other rules and regulations concerning explosives and inflammable materials as may be necessary for the safety and welfare of the city and its inhabitants; Lights in barns, etc.

Twenty-ninth, To appoint, regulate and license scavengers, chimney sweeps, and fix their fees and compensation and prescribe their rights and duties; Scavengers, etc.

Thirtieth, To provide for and regulate the inspection and sale of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and other provisions; and to establish and regulate markets and market places; to prescribe the time for opening and closing the same, the kind and description of articles which may be sold, and the stands and places to be occupied by the vendors; and to adopt and enforce all such rules and regulations as may be necessary to prevent fraud and to preserve order in the markets; and to authorize and direct the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any article in his or their possession; and to authorize the seizure and destruction of tainted or unsound meats or vegetables or other provisions, exposed for sale therein, or anywhere else in the city; Meats, provisions, etc.

Thirty-first, To provide for the issuing of licenses to the owners and keepers of dogs and to compel the owners and keepers thereof to pay for and obtain such licenses; and to regulate and prevent the running at large of dogs, to require them to be muzzled, and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city; Dog licenses, etc.

Thirty-second, To prohibit any person from bringing or depositing within the limits of the city any dead carcasses or other unwholesome or offensive substance, and to require the removal and destruction thereof; and if any person shall have on his premises such substances, or any putrid meats, fish, hides and skins of any kind, and on his default to remove or destroy the same, to authorize the removal and destruction thereof as a public nuisance by some officer of the city; Dead carcasses, etc. Putrid meats, etc.

Thirty-third, To regulate the ringing of bells and the crying of goods and other commodities at sale at auction, and to prevent disturbing noises in the streets, sidewalks, and other public places in the city; Crying of goods, etc.

Thirty-fourth, To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon Building line, etc.

	the owner, builder, or workmen violating this provision; and to prevent the erection and provide for the removal of all buildings deemed unsafe;
Immoderate driving, etc.	Thirty-fifth, To prevent and punish horse racing and immoderate driving or riding in any street, lane, park or alley, or over or across any bridge in the city, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, lane, park or alley, or over or across any bridge in said city; and to prevent any person from riding or driving upon or across any sidewalk or park;
Vending of meats, provisions, etc.	Thirty-sixth, To regulate the vending of hay, wood, meats, vegetables, fruits, fish, and provisions of all kinds, and to prescribe the time and place for selling the same; to prohibit the sale of unwholesome meat, poultry, fish, vegetables or other articles of food, or provisions, or the knowingly keeping or offering the same for sale; and to authorize the seizure and destruction of tainted or unsound meats, vegetables, fruits, fish and other provisions exposed for sale: <i>Provided</i> , Nothing herein contained shall authorize the council to restrict in any way the sale of fresh and wholesome meats by the quarter or carcass within the limits of the city;
Proviso, sale of fresh meat in quantity.	
Numbering of buildings, etc.	Thirty-seventh, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants of the same to affix numbers on the same; and to designate and change the names of public streets, alleys and parks;
Street lighting, etc.	Thirty-eighth, To provide for and regulate the lighting of the streets, alleys and public places; to establish and maintain a lighting plant and to sell and dispose of electricity, gas or other lighting forces, upon such terms as shall be deemed just and reasonable by the common council; to regulate the setting of lamps and lamp posts, and provide for the protection and safety of the same; and to regulate the placing and using of all telegraph, telephone and electric light posts, poles and wires;
Telegraph poles, etc., placing of.	
Testing of lights.	Thirty-ninth, To provide for the testing of any electric lights or gas lights furnished to said city or its inhabitants by any individual or corporation, and to require that said lights shall be maintained and kept at the candle power specified under the ordinance or contract by which said lights are furnished, and to punish for failure to furnish any lights not up to the standard, and to repeal and revoke the franchise under which any such individual or corporation is acting, and to repeal said franchise and to provide for the forfeiture of all rights thereunder;
Unsafe buildings.	Fortieth, To require the owner or occupant of any building or structure that may be ruinous or liable to fall, and injure persons or property, to pull down or remove the same; and to authorize the same to be done by the officers of the city at the expense of the owners thereof;

Forty-first, To sell or otherwise provide for disposing of all dirt, filth, manure and debris lying in or gathering from the highways, streets, avenues, lanes, alleys or public places; and of all earth to be removed therefrom or from the public squares and grounds of said city, in grading, paving or otherwise improving the same;

Dirt, etc.,  
from streets.

Forty-second, To provide grounds and places, either within or without the city, on which to deposit the rubbish, garbage, and refuse material found thereon or therein, and to deposit the same on such grounds;

Garbage  
grounds.

Forty-third, To control, prescribe and regulate the manner in which highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used, and to provide for the preservation and prevention of wilful injury to gutters in said highways, streets, lanes and alleys;

Streets, etc.,  
use of.

Forty-fourth, To prevent, control and regulate the exhibition of signs on canvas or otherwise in and upon any vehicle standing or traveling upon the streets of said city; to regulate, prevent or prohibit the exhibition of signs over any of the walks, crosswalks or streets of said city;

Street signs,  
etc.

Forty-fifth, To prohibit all practice, amusements and doings in said streets having a tendency to frighten teams or horses, or dangerous to life or property;

Dangerous  
amusements,  
etc.

Forty-sixth, To prohibit and punish the use of toy pistols, sling shots and other dangerous toys or implements within said city;

Toy pistols,  
etc.

Forty-seventh, To require any horse, mule or other animal attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held;

Horses, etc.,  
hitching of.

Forty-eighth, To provide for the care, custody and preservation of the public property of the city;

Public  
property.

Forty-ninth, To provide for, establish, regulate and preserve all such public fountains and reservoirs within the said city as in the opinion of the council, the convenience of the inhabitants may require; and also all such troughs and basins for watering animals as may be deemed proper;

Fountains,  
etc.

Fiftieth, To regulate, compel and control the erection of fire escapes on all public buildings in said city and in all buildings wherein the people may congregate or public assemblages of any kind are held and to regulate and control the number of exits and the construction thereof;

Fire escapes.

Fifty-first, To determine and regulate the construction or division of partition fences and all partition walls; the walls of buildings and their thickness; to regulate the construction of chimneys, hearths, fire places and fire arches, ovens and putting up of stovepipes, kettles, boilers or any structure or apparatus that may be dangerous in causing or promoting fires, to compel and regulate the cleaning of chimneys and flues, and to fix the fees therefor, and to compel and regulate the construction of ash houses, or depositories to guard against fires, to compel the owners of build-

Fences,  
chimneys,  
etc.

Examination  
of buildings.

Aid extin-  
guishing fires,  
etc.

Railroads,  
grade, speed,  
etc.

Street cars.

Noxious  
weeds.

Notice to  
owner, etc.,  
of property.

Ordinances,  
etc.

ings to have scuttles in the roof thereof and ladders leading thereto; to authorize the proper officers to examine all buildings and enclosures, to discover whether the same are in a dangerous or unwholesome state, and to cause such as are dangerous or unwholesome to be put in a safe and wholesome condition; to authorize the officers of the city to keep all suspicious persons away from the vicinity of fires, and to compel the persons to aid in the extinguishment of fires, and the preservation of property exposed to danger therefrom, and all buildings usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council shall make, with a view to the protection of any person or property from fire or for the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

Fifty-second, To determine and designate the route and grade of any railroad to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines and cars upon the railroads within said city, and to compel the railroad companies, their officers, agents, managers and employes to station flagmen at any street crossing and to prescribe the length of time that engines or cars may stand upon such streets or otherwise obstruct them and to prohibit the same, and to make such other rules and regulations concerning the same as to secure safety of citizens or other persons;

Fifty-third, To construct, maintain and keep in any of the streets of said city, tracks suitable for the use of street cars, urban or inter-urban, so-called, and to permit the use of such tracks by said cars, and to exact toll or compensation for the use thereof, and to make all needful rules and regulations concerning the same in the interests of public travel;

Fifty-fourth, And further, the council shall have authority to require all thistles, burdocks, yellow docks and other objectionable weeds found growing on any public or private property within the city limits to be destroyed; but before entering upon any private property for the purpose of destroying the weeds mentioned herein, the council shall cause a notice, written or printed, or partly written and partly printed, to be served on the owner or occupant of said property, requiring the destruction within five days after service of such notice. If no service of such notice can be had upon the owner or occupant, then it shall be sufficient to post the same in some conspicuous place on the premises, and the cost of removing such weeds shall be paid from the city treasury and the same assessed against the property in the next general assessment roll of the city;

Fifty-fifth, And further, the council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they



may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants of the same; and to provide means for paying its liabilities and defraying the contingent expenses of the city, subject only to the limitations and restrictions in this act contained; but no exclusive right, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever;

Liabilities  
and expenses.

No exclusive  
rights to  
anybody.

Fifty-sixth, To fix and regulate the fees of jurors and witnesses in any proceeding under this act or under any ordinance of the council;

Jurors fees,  
etc.

Fifty-seventh, To compel by resolution or ordinance all or any wires now used or to be used for the conveyance of electricity, and any or all telegraph or telephone wires to be placed under ground and to prescribe the manner and depth at which they shall be so placed and to prohibit any and all persons, companies or corporations from placing or maintaining any wire or wires for the conveyance of electricity and any telephone or telegraph wires above ground in any part or parts of said city, or in any street, lane, alley, highway, or other public place therein, and to compel the removal of all telegraph, telephone or electric light poles and wires now on or in the public streets or alleys of said city, or other public places;

Electric  
wires, etc.,  
placing of,  
under  
ground.

Telegraph  
poles, etc.,  
removal of.

Fifty-eighth, To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private beneficence as the council may deem to be for the public good.

Public  
library.

Sec. 16. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such reasonable sum for any license as they may deem proper. The persons receiving the license shall, before the issuing thereof, execute a bond to the corporation, when required by the council, in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation, and the ordinances of the council and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulations, passed or authorized by council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payment made for such licenses.

Licenses,  
council may  
prescribe  
terms of.

Persons  
receiving, to  
give bonds.

Council may  
revoke  
license.

Sec. 17. No license shall be granted for any term beyond the first day in May next thereafter, nor shall any license be transferable, and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do

Licenses,  
term of,  
penalty, etc.

anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

Sums received from licenses, where credited.

SEC. 18. All sums received for licenses granted to any person by the city or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

Railroad companies, etc., certain permits to.

SEC. 19. The council of the city shall have authority to permit any railroad company or street railway company to lay its tracks, and operate its road with steam, electric or other power in or across the streets, highways, and public alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe, and to prohibit the laying of such tracks or the operation of any such road, except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: *Provided*, That no franchise for the use or occupancy of any street for any purpose shall be granted to an individual, company, or corporation, except by a two-thirds vote of all the aldermen elect, nor shall any such franchise be granted for a period exceeding thirty years.

Proviso, two-thirds vote and period of franchise.

Street crossings, grade and location of, etc.

SEC. 20. The council shall have power to provide for and change the location and grade of street crossings, or any railroad track, and to compel any railroad company or street railway company to raise or lower their railroad track, to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner and with such protection to persons crossing thereat, as the council may require, and to keep them in repair; also, to require and compel railroad companies to keep flagmen and watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains and street railways within the city; but such speed shall not be required to be less than six miles per hour; and to impose a fine of not less than five dollars nor more than fifty dollars, upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains, and may provide penalties by imprisonment not exceeding ninety days for any engineer, conductor, or other railroad employe in addition to the fine herein specified.

Flagmen, etc., at railroad crossings.

Speed of trains, etc.

Fine for violations.

Drains, etc., railroads to make, etc.

SEC. 21. The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair, such ditches, drains, sewers, and culverts, along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly; and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, ac-

When city may perform the work.

cording to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause.

SEC. 22. The council is authorized to enact all such ordinances and by-laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of said partition fence to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences, and the council may appoint fence viewers and prescribe their duties and mode of proceeding in all cases relative to partition fences in said city.

Partition  
fences,  
building of,  
etc.

SEC. 23. The board of public works of such city, subject to the direction of the council, is hereby charged and entrusted with the following duties, powers and responsibilities:

Board of  
public works  
powers and  
duties of.

First, The construction, management, supervision and control of such water works as are or shall be owned by the city;

Water works.

Second, The construction, management, supervision and control of such electric light or other lighting plants as are or shall be owned by the city;

Lighting  
plant.

Third, The management and supervision of the sewers, sewerage system and drainage of such city, the locating of the necessary main and lateral sewers, drains, culverts, vaults, arches, bridges, pipes, wells, pumps, filters, fountains and reservoirs in said city, and the control thereof;

Sewers, etc.

Fourth, The exclusive control of the construction of all public and local improvements after the same have been ordered by the common council, including the grading, graveling, macadamizing, paving, curbing or otherwise improving the streets and other public places in the city, of all public and private sewers, sewerage plants, farms and pumping works, of all sidewalks, crosswalks, private driveways, bridges, elevated roads, railroads, viaducts and other like structures, and of all excavations in streets or other public places; to plan and direct the construction of private driveways from the gutters to the street line in any street which shall have been or may hereafter be improved;

Improve-  
ments, public  
and local.

Fifth, Such other public improvements or works as the common council may by ordinance place under their management, supervision and control.

Idem.

SEC. 24. The board of public works is hereby empowered to appoint a city engineer, a superintendent of the water works and an assistant superintendent of the water works,

City engineer,  
etc.,  
appointment  
of.

and to employ all necessary officers, agents and employees that they may deem necessary to operate, carry on and improve all the public works and duties placed under their care and supervision, and subject to the approval of the council; to fix the salaries and compensations of such city engineer, superintendent of water works, assistant superintendent of water works, officers, agents and employees.

Salaries, etc.,  
of.

School district,  
not  
changed by  
incorporation.

SEC. 25. The incorporation of the city of Allegan shall in no manner change the boundaries of the school district number one of said township of Allegan, except that there shall be added to the same the east half of the northwest quarter of section twenty-one in said township, and said school district number one shall continue to be a graded school district and no change shall be made in the manner or time of electing its district officers, or in the management or control of said district, and said school district number one shall be governed in all matters as provided for by the general school laws for the government of fractional school districts in townships: *Provided*, That all taxes to be levied upon the taxable property in said district shall be certified by the district board to the city clerk in the city of Allegan and also to the township clerk in the township of Allegan in which part of said district is located, and said city clerk shall certify same to the supervisor of said city: *Provided further*, That the taxes voted for the purposes of the school district shall be apportioned at or before the time of the meeting of the board of supervisors of Allegan county in annual session in October of each year.

Proviso,  
certification  
of taxes.

Further  
proviso, when  
taxes to be  
apportioned.

First election,  
when held.

SEC. 26. The first election under the provisions of this act shall be held on the first Monday in April, nineteen hundred eight, and all the officers of the village of Allegan now elected or appointed under the provisions of the general act incorporating the villages in this State, and in office at the time of the taking effect of this act, shall continue to exercise their respective functions until the officers provided for by this act of incorporation of the city of Allegan shall have been elected and qualified and shall have entered upon the duties of their respective offices. The said village of Allegan shall, until the election and qualification of the officers under this act, be governed in all respects by the provisions of the general law for the incorporation of villages: *Provided*, That this act shall not be construed to repeal the provision of the local act in reference to the regulation of the liquor traffic in the village of Allegan.

Village,  
governing of,  
until election.

Proviso,  
liquor traffic  
not repealed  
by act.

Library,  
public,  
maintenance  
of, rate of  
taxation, etc.

SEC. 27. The common council of the said city of Allegan may, in conjunction with the proper authorities of the township of Allegan, maintain a public library under such rules and regulations as the officers of said township and city may agree upon, and the common council may contribute such proportion of the expenses of maintaining such library as shall be determined by the officers of the said township and city, and may raise for such purpose such sum of money upon

all the taxable property of said city, the rate of taxation therefor not to exceed one twentieth of one per cent in any one year: *Provided*, That said library shall be open to the use of the citizens of Allegan and the residents of the township of Allegan, and that the same shall be located at some convenient place within the said city. Proviso.

SEC. 28. Nothing contained in this act shall be construed as affecting the assessing, levying, collecting and returning of taxes in the township of Allegan for the year nineteen hundred seven, but the same shall be assessed, levied, collected and returned the same as though this act had not been passed. Taxes in Allegan township for 1907, not affected.

Approved June 12, 1907.

[No. 608.]

AN ACT to amend section seven of chapter eleven of an act, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, as amended.

*The People of the State of Michigan enact:*

SECTION 1. Section seven of chapter eleven of an act, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, as amended, is hereby amended to read as follows: Section amended.

SEC. 7. The common council shall also have power, by and with the consent of the board of estimates, to provide for the public sewer fund for the construction of trunk or public sewers, and the public building fund, by borrowing upon the faith and credit of said city, and upon the best terms that can be made, such sums of money as shall be deemed necessary and expedient, and to issue the bonds of the city therefor in lieu of raising the same by taxation: *Provided, however*, That the gross debt of the city after deducting the means in the sinking fund of said city and not including the water debt or bonds issued against special assessments shall never exceed two per cent of the assessed value of all the real and personal property in said city; and all bonds or other indebtedness issued or created in excess thereof shall be void. Bonds issued by authority of this section shall be respectively denominated "public sewer bonds" and "public building bonds," and shall mature in thirty years from date of issue, and bear interest at a rate not exceeding four per cent per annum. All bonds issued by the city of Detroit or for which it may be liable shall be exempt from all taxa- Sewer fund and public building fund provided for, bonds.

Proviso, value of gross debt.

Bonds, etc., in excess, void.

Bonds, how issued, etc.

Record of  
bonds, etc.

Principal and  
interests  
when credited,  
etc.

Bids for  
bonds,  
reported to  
council.

Preparation  
of bonds, etc.

tion. All bonds issued by the city of Detroit shall be issued under the seal of the corporation, signed by the mayor and countersigned by the controller, and except special assessment bonds which are by law otherwise provided for, shall be for the sums of not less than five hundred dollars each, and shall not be negotiated at less than their par value, and may be in registered or coupon form. The controller shall keep an accurate record of all bonds and of the class of indebtedness to which they belong, the number, date and amount of each bond, its rate of interest, when and where the same is payable, and the person, persons, firm or corporation to whom it is issued. When the proceeds of the sale of any bonds shall have been paid into the city treasury, the principal thereof shall be credited to the funds for which the bonds were issued, and be applied exclusively to the purposes for which said bonds are constituted, and the premiums and accrued interest received, if any, shall be credited to the sinking fund. When any issue of bonds is duly authorized by law, and the controller shall have first advertised in such manner as the common council shall direct, for sealed proposals for the purchase of the bonds about to be issued, and shall have received proposals for the purchase of such bonds, he shall report the bids to the common council. The common council having authorized the sale of such bonds, according to the proposals for the same, the controller shall prepare such an amount of the issue only as may be ordered sold; it shall be his duty in the preparation of said bonds to cause to be written or printed upon the bond, on the outside fold of the same, so that the same may always be in plain sight, the following words, to be signed by the treasurer of the city, and the bonds not to be valid without his signature: "This bond has been made and issued in compliance with law; has been duly registered in the books of this office, and the proceeds of the same, together with all the premiums on sale and interest accruing before delivery, have been paid into this office.

"Detroit....., 19...

".....

"City Treasurer."

Controller to  
transmit  
bonds and  
report, to  
whom.

Delivery of  
bonds, etc.

After having caused said bonds to be duly executed and recorded in the books of his office, with all the particulars as required by the charter, he shall transmit the same, with the name of the purchaser, number, date, time and denomination of bonds, to the city treasurer, taking his receipt for the same, and shall also report the entire transaction to the common council at its next succeeding session. It shall be the duty of the city treasurer, on receipt of said bonds, to immediately notify the parties to whom the bonds have been awarded, that the same are ready for delivery, and deliver to said parties the bonds according to their accepted bids for the same, charging them with the premium, if any is included in

the proposals, and the interest accrued on the bonds at the date of delivery, and further comply with this chapter by recording said bonds and signing the blank as aforesaid, and report to the common council, at its next following session, the full particulars of the delivery of the bonds, which report, together with the report of the controller, heretofore mentioned, shall be referred to the committee on ways and means, who shall compare the report of the treasurer with that of the controller, and report to the council upon the correctness of the same, when it shall have found them to be correct. It shall be the duty of the city treasurer, whenever coupons are presented at his office for payment, to first examine his coupon book to ascertain if the bond from which such coupon is cut has been regularly issued, and the proceeds thereof have been regularly paid into the treasury, and if the payment of such interest is due. And if such be found to be the fact, he shall transmit said coupons, with the certificate of their correctness, to the city controller. It shall be the duty of the controller upon the receipt of said coupons and certificate of the treasurer, to examine the same, comparing them with records of bonds in his office, and previous payment of coupons, and if found correct, issue his warrant on the treasurer in payment of the same, whereupon he shall cause said coupons to be firmly pasted in a book prepared for such purpose, which book shall be so prepared and ruled, with spaces for each coupon under a complete record of the bond from which said coupon is cut, together with the date of payment and the name of the party to whom payment is made, so that the said book will at all times properly and plainly display the complete record of the bond, and all payments of interest by the original coupon, date of each payment, and the name of the party to whom paid, and to which book or books the controller shall make reference before the payment of any such coupon. On demand of the owner and holder of any coupon bonds heretofore or hereafter issued, there shall be issued in lieu thereof registered bonds of said city; the owner and holder asking for exchange of bonds may be required to pay a reasonable compensation to cover expenses of such exchange; the bonds so issued shall be of the same denomination or multiples thereof, bear the same rate of interest, and be payable at the same time, both as to interest and principal, as the coupon bonds for which they were exchanged; such coupon bonds when so exchanged shall be cancelled by the controller and treasurer and their certificate of such cancellation be endorsed on the new bonds and the old bonds filed in the manner provided for bonds redeemed. A book shall be kept in each of the offices of the controller and treasurer, in which shall be entered the date, number, series, denomination, and owner of all registered bonds, and the number and series of the coupon bonds for which exchanged, if any; the interest and principal of registered bonds shall, when due, be paid only to the order of

Payment of  
coupons, etc.

Registered  
bonds, when  
issued in  
lieu of  
coupon bonds.

Record of  
registered  
bonds, etc.

Transfers of  
registered  
bonds, etc.

the person, corporation or firm who appears by such books to be the owner thereof; such registered bonds may be transferred on such books, for which purpose there shall be printed forms on the back of said bonds, together with directions to be followed in the execution of such transfers, by the owner in person, or by a person authorized to do so by power of attorney duly executed or by the presentation of duly authenticated letters of administration; in such case the power of attorney or letters of administration shall be filed and carefully preserved in the office of the controller. The exchange and registering of bonds required by this act shall be transacted by the mayor and controller, and the controller shall keep a registry for that purpose; but no bonds so issued in exchange for other bonds shall be of smaller denomination than one thousand dollars unless and to the extent that the bonds offered for exchange are themselves of smaller denomination than one thousand dollars. No bonds in lieu of a bond returned for cancellation shall be issued until the same shall have been registered as herein provided.

This act is ordered to take immediate effect.

Approved June 12, 1907.

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[No. 609.]

AN ACT to amend section number nine of chapter number three, section number one and all the subdivisions of said section number one of chapter number nine, and by adding a new subdivision to said section number one of chapter number nine, to stand as subdivision number forty-first, and sections number one and six of chapter number twenty-one of "An act to reincorporate the city of Coldwater and to repeal act number two hundred fifty of the laws of eighteen hundred seventy-three, entitled 'An act to revise the charter of the city of Coldwater, being amendatory of an act entitled 'An act to incorporate the city of Coldwater,' approved February twenty-eight, eighteen hundred sixty-one, as amended by the several acts amendatory thereof, approved April seventeen, eighteen hundred seventy-three, as revised and amended by the several acts revisionary and amendatory thereof, and to repeal all other acts or parts of acts inconsistent with the provisions of this act," approved the eighteenth day of May, A. D. nineteen hundred five, and to repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

Sections  
amended.

SECTION 1. Section number nine of chapter number three, section number one and all the subdivisions of said section



number one of chapter number nine, and by adding a new subdivision to said section number one of chapter number nine, to stand as subdivision number forty-first, and sections number one and six of chapter number twenty-one, of "An act to reincorporate the city of Coldwater and to repeal act number two hundred fifty of the laws of eighteen hundred seventy-three, entitled 'An act to revise the charter of the city of Coldwater, being amendatory of an act, entitled 'An act to incorporate the city of Coldwater,' approved February twenty-eight, eighteen hundred sixty-one, as amended by the several acts amendatory thereof, approved April seventeen, eighteen hundred seventy-three, as revised and amended by the several acts revisionary and amendatory thereof, and to repeal all other acts or parts of acts inconsistent with the provisions of this act," approved the eighteenth day of May, A. D. nineteen hundred five, are hereby amended to read as follows:

### CHAPTER III.

SEC. 9. No person, except city engineer, shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board or officers thereof or to any school district, county or other municipal corporation of the State. All votes for or any appointment of, any such defaulter shall be void.

Qualifications  
for office.

### CHAPTER IX.

#### GENERAL POWERS OF CITY CORPORATION.

SECTION 1. Said city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely:

Further  
powers.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vice, distur-  
bances, etc.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly

Vagrants,  
drunkards, etc.

persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

Nuisances, etc. Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same;

Disorderly houses, etc. Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance and to punish the keepers thereof;

Billiards, etc. Fifth, To regulate or license the use of billiard tables, nine or tenpin alleys or tables, and ball alleys;

Gambling. Sixth, To prohibit and suppress every species of gambling, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Liquors to drunkards, etc. Seventh, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person so doing;

Sports, shows, etc. Eighth, To regulate, restrain or prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary or scientific subjects excepted;

Sabbath violations. Ninth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day;

Auctions, sales, etc. Tenth, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

Sales required by law, excepted. Peddlers, pawnbrokers, etc. Eleventh, To license hawkers, peddlers and pawn-brokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device, in or upon the streets, highways, alleys, sidewalks, or in or upon the wharves, docks, or from boats, open places or spaces, public grounds or buildings in the city;

Twelfth, To license and regulate wharf boats, and to regulate the use of tugs and other boats used in and about the harbor, and within the jurisdiction of the city; Boats, etc.

Thirteenth, To establish or authorize, license and regulate ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for the transportation of persons and property thereon; Ferries.

Fourteenth, To restrain, license and regulate saloons and other places where intoxicating or spirituous liquors or malt, brewed, fermented, spirituous or vinous liquors are sold or to be sold, and to regulate and prescribe the location thereof; to forbid and prevent the vending or other disposition of any intoxicating liquors in violation of the laws of the State; Saloons, etc.

Fifteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire, in the city, and regulate or fix their stands on the streets and public places, and at wharves, boat landings, railroad station grounds and other places; Vehicles.

Sixteenth, To regulate and license all toll bridges within the city, and to prescribe the rates and charges for passage over the same; Toll bridges.

Seventeenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions; Provisions, inspection of.

Eighteenth, To regulate the inspection, weighing and measuring of brick, lumber, fire-wood, coal, hay and any article of merchandise; Merchandise, etc.

Nineteenth, To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures by vendors; Weights and measures.

Twentieth, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters; Cisterns, sewers, etc.

Twenty-first, To prohibit and prevent, in the streets, or elsewhere in the city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind; Indecency.

Twenty-second, To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city; Bathing.

Twenty-third, To provide for clearing the rivers, ponds, canals and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive; Filth, etc., in streams, etc.

Twenty-fourth, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candy factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove or abate the same whenever the council Slaughter houses, etc.

shall deem it necessary for the health, comfort, or convenience of the inhabitants of the city;

Explosives,  
etc.

Twenty-fifth, To regulate the keeping, selling and using of dynamite, gunpowder, firecrackers and fire-works, and other explosive or combustible materials, and the exhibition of fire-works, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the city;

Cellars,  
drains, etc.

Twenty-sixth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies;

Mock  
auctions.

Twenty-seventh, To prohibit, prevent, and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all other persons aiding in the management or practice thereof;

Lotteries.

Twenty-eighth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing or managing the same;

Cabs, solic-  
itors, etc.

Twenty-ninth, To license and regulate solicitors for passengers or for baggage to and from any hotel, tavern, public house, boat or railroad; and to provide the places where they may be admitted to solicit or receive patronage; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Paupers.

Thirtieth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon the city, and to punish therefor;

Census.

Thirty-first, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit, and to direct and regulate the same;

Dogs.

Thirty-second, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; and to regulate and prevent the running at large of dogs, to require them to be muzzled and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city;

Toy pistols,  
etc.

Thirty-third, To prohibit and punish the use of toy pistols, sling shots and other dangerous toys or implements within the city;

Animals,  
hitching of.

Thirty-fourth, To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched, or held; and to regulate the placing and provide for the preservation of hitching posts;

Thirty-fifth, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks;

Buildings,  
numbering of,  
etc.

Thirty-sixth, To provide for, establish, regulate and preserve public fountains and reservoirs within the city, and such troughs and basins for watering animals as they may deem proper;

Fountains,  
etc.

Thirty-seventh, To prevent or provide for the construction and operation of street railways and to regulate the same and to determine and designate the route and grade of any street railway to be laid or constructed in said city;

Street  
railways.

Thirty-eighth, To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private beneficence as the council may deem to be for the public good;

Library.

Thirty-ninth, The council may also license transient traders, which shall be held to include all persons who may engage in the business of selling goods or merchandise after the commencement of the fiscal year, and the license fee in such cases may be apportioned with relation to the part of the fiscal year which has expired, but such traders, if they continue in the same business, shall not be required to take out a second license after the commencement of the next fiscal year: *Provided*, Such goods or merchandise have been assessed for taxes for said fiscal year;

Transient  
traders.

Proviso.

Fortieth, The council shall further have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation for any purpose whatever;

Further  
authority.

Exclusive  
rights, etc.,  
not granted  
any person.

Forty-first, The by-laws and ordinances of said city heretofore and now in force under the provisions of section one and all the subdivisions of said section one of chapter nine, shall remain in full force after the passage of this act and are hereby declared to be re-enacted by virtue of and under the powers conferred by this act until altered, amended or repealed by the common council.

Ordinances  
to remain in  
force.

## CHAPTER XXI.

SECTION 1. It shall be lawful for said city under the provisions of this act to acquire by purchase or to construct, operate and maintain, either independently or in connection with the water works of said city, either within or without the city, works for the purpose of supplying said city and the inhabi-

Light and  
power plant.

Lighting and  
power rates,  
when fixed.

tants thereof, or either, with gas, electric or other lights and electric power at such times and on such terms and conditions as hereinafter provided.

SEC. 6. The board of public works, subject to the approval of the council, shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of said city with lights and electric power, and shall annually on the first Monday in June, fix such rates for the year next ensuing. All acts or parts of acts inconsistent herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 610.]

AN ACT to establish a county road system in the county of Midland, and to provide for the money therefor.

*The People of the State of Michigan enact:*

Submission of  
question, to  
electors.

SECTION 1. On petition of not less than ten free-holders residing in each of the several townships, incorporated villages and cities of Midland county, or upon a majority vote of the members of the board of supervisors, the board of supervisors of such county shall submit the question of adopting the county road system to a vote of the electors of such county. The said board of supervisors may submit the question at a general or special election called for that purpose, but it shall be submitted not later than at the general election to be held on the first Monday in April, nineteen hundred eight. Notice of the submission of such question shall be given by the county clerk. Such notice shall be addressed to the electors of the county and shall give notice that said question will be stated upon the ballot to be used at said election as follows: "Shall the county road system be adopted by the county of Midland?" Such notice shall be in the form of a handbill to be posted in three or more public places in each township and ward of such county at least ten days before the time of such election, and also to be published at least twice in a weekly paper of general circulation in said county. If, upon the canvass of the votes cast at such election, it shall appear that the majority is in favor of the adoption thereof, then the county road system, as herein provided for, shall be considered as adopted in Midland county, and thereupon the provisions of this act shall become operative in said county.

Notice of,  
published, etc.

When  
considered  
adopted.

County road  
commissioner,  
appointment  
of.

SEC. 2. When the county road law shall be adopted by a majority vote of the electors of the county of Midland vot-

ing thereon, a meeting of the board of supervisors shall be called by the county clerk of said county to be held on or before thirty days from the date of such election at which the county road system was adopted, for the purpose of appointing a county road commissioner, and such other business as may come before said board in connection with this act. The county road commissioner appointed by said board shall hold his office from the date of such appointment until the next regular county election when a county road commissioner shall be elected by the voters of the county for a term of two years in the same manner as other county officers are elected. The compensation of such county road commissioner and other employes under this act shall be determined by the board of supervisors. The county road commissioner shall have charge of the county road work in accordance with the provisions of this act. No member of the board of supervisors shall be appointed or elected county road commissioner. The commissioner and other employes shall give bond in such sum as the board of supervisors may direct.

Term of office.

Compensation, by whom determined, etc.

Bonds.

SEC. 3. At the meeting of the board of supervisors called for the purpose of appointing such county road commissioner, the said board may determine upon an amount of money to be borrowed upon the faith and credit of the county, for the purpose of forming a county road fund to carry on the county road work for the ensuing year.

County road fund forming of, by loan.

SEC. 4. The board of supervisors, through the county road commissioner, may lay out such new roads in the county as it may deem necessary, may widen or straighten or otherwise change the course to avoid natural obstructions, of any road over which they have jurisdiction, and may declare any highway previously laid out a county road, and take charge of and improve the same: *Provided*, That no highway shall be declared a county road unless a majority in acreage of the resident owners along such highway shall so petition, or by a two-thirds vote of the members of said board of supervisors without such petition.

County roads, laying out, etc., of.

Proviso, when highway declared county road.

SEC. 5. When said board determines to take charge and control of any existing highway, it shall make record of its determination, fixing the date when it will assume control, and the county clerk shall forthwith give notice of such determination to the highway commissioner of the township or townships in which such highway may be. Proof of the giving of such notice may be made by affidavit of any one acquainted with the facts, and shall be filed with the county clerk. After such date the county authorities shall have sole jurisdiction over said road and the township or townships shall be relieved from all responsibility in connection therewith.

Notice of highways taken in charge, to whom given.

Affidavit as proof, filing of, etc.

SEC. 6. Said board is also authorized to discontinue any county road by a majority vote to be taken at the October session. At the time of determining to discontinue any such road the board shall fix the date at which the same shall

Discontinuance of county road.

Proviso.	cease to be a county road: <i>Provided</i> , That reasonable time shall be given the highway authorities of the township or townships in which the same may be situated, in which to prepare to assume responsibility for and jurisdiction over the same. The county clerk shall, within three days after the adjournment of the session of the board of supervisors at which a vote to discontinue any county road is taken, give notice thereof to the highway commissioner of each township in which said road or any part thereof may be situated. And said townships shall become liable for the care and maintenance of said road from and after the time so fixed by said board, and thereafter the county shall not be liable for the same.
Notice of, to whom given, etc.	
Private property, conveying of, for county road.	SEC. 7. Whenever said board of supervisors determines to lay out a county road or to widen or straighten any road under its jurisdiction, and it shall be necessary to take private property therefor, it shall, through the county road commissioner, cause a survey of the proposed road and an accurate description of the lands required to be made, and shall endeavor to obtain from each resident owner, for the purpose, a release of the right of way over his land included in such description. So far as able to agree with persons owning lands so required, the commissioner shall cause the same to be conveyed to the county for the purpose of a road.
Circuit court, when may be petitioned, etc.	SEC. 8. Whenever said board shall be unable to agree with any person interested in any parcel of such land, or such person shall be unknown or a non-resident of the county, or a minor, or an insane or incompetent person, the board, through the county road commissioner, may cause to be presented to the circuit court of the county a petition describing the proposed road and each parcel of land necessary therefor which it has been unable to acquire, giving the name of each person interested in each parcel of land so far as known, and praying for the appointment of three commissioners to determine the necessity of such proposed road, the necessity of taking each such parcel therefor, and to appraise the damages to be paid as compensation for such taking of each parcel for road purposes. The court shall appoint a guardian ad litem for any minor, insane or incompetent person interested in the proceedings. The guardian shall be a resident of the county. Upon the filing of the petition the court shall make an order fixing a day for the hearing on such petition, which shall be not less than three weeks thereafter. Such order shall recite the names of the persons mentioned in the petition, the description of each parcel of land to be taken, and state the purpose of the petition. Such order shall be published once each week for two successive weeks in some newspaper published and circulated in the county to be designated by the court, and notice thereof shall be served on each person named in the petition interested in the land who resides within the county, and upon each such
Guardian ad litem, when court to appoint.	
Order fixing day of hearing, petition.	
Publication and notice of, etc.	



guardian, at least ten days before the hearing. Such service may be made personally or by leaving at the place of residence of the person to be served. Proof of publication and service may be made by affidavit of any person or persons having knowledge of the facts. Such proof shall be filed with the court on the day of hearing, and thereupon the court shall have jurisdiction of the subject matter involved in the proceedings and of the parties interested therein.

Affidavit as  
proof of  
publication,  
etc., filing of.

SEC. 9. On the day of hearing, the court shall hear the parties and appoint three disinterested persons commissioners whose duty it shall be to determine the necessity of such proposed road and the necessity for taking each parcel of land described in the petition for the use and benefit of the public therefor, and if they shall decide that it is necessary, then to appraise the damages to be paid as compensation for the taking of each parcel therefor. The commissioners shall be sworn faithfully to discharge their duty. The court shall fix the time and place for the first meeting of such commissioners, and require their attendance; it may also authorize the commissioners to adjourn their meeting from time to time, not later than a day to be named, and shall fix the time for filing the report of such commissioners.

Commissioners, court  
to appoint,  
what to  
determine,  
etc.

SEC. 10. The commissioners shall meet at the time and place ordered by the court. If all do not then appear, a less number may adjourn to a time certain, but no adjournment shall be made to a day later than the time allowed by the court. Such adjournments shall be publicly announced. The court or the clerk thereof may issue writs of subpoena to compel the attendance of witnesses before the court or before the said commissioners. Either one of such commissioners may administer oaths to witnesses. The commissioners, at the time fixed by the court or at the time fixed by adjournment, shall view the premises described in the petition and hear the proofs and allegations of the parties, and render their decision in the premises. They shall report such decision in writing, signed by them or by a majority of them, at the time fixed for that purpose. If their decision is that the road is unnecessary, no further proceedings for the establishment of such road shall be taken for one year thereafter; if the decision is that the proposed road is necessary and that such lands are necessary to be taken therefor, they shall appraise the damages to be paid as compensation to each person interested for each parcel of land.

Commissioners,  
meetings,  
powers of.

Decision to be  
reported.

SEC. 11. The court may, at the time of the filing of the report, or at such other time to which it may adjourn the proceedings, on cause shown, set aside the report and refer it back to such commissioners or appoint other commissioners to retry the questions involved, whereupon such proceedings shall be had as are hereinbefore provided for. The court may permit the amendment of any petition, affidavit, order, report or proceeding filed or had in the premises in such manner as shall be just and proper; it may fill any vacancy

Court may  
appoint other  
commissioners, etc.

that shall occur among the commissioners; it may permit a defective proceeding to be set aside and other proceedings in compliance with law to be had in place thereof; it may adjourn such proceedings or any part thereof from time to time, and may make all such orders in the premises as may be just and proper to further and accomplish the purpose thereof.

Payment of damages.

Certificate of proceedings, recorded, etc.

To be prima facie evidence of title, etc.

Compensation of commissioners.

County road commissioner, powers of.

SEC. 12. After the court shall confirm the report of the commissioners, it shall enter an order authorizing the county road commissioner to pay the several sums awarded for damages, and the commissioner shall pay the same accordingly. Such payment shall be made in money to the several persons entitled thereto, and if refused, or if there be no person properly authorized to receive the same, it shall be deposited as directed by the court. Upon filing proof of payment or deposit as ordered, the court shall prepare a certificate under its seal, signed by the judge, reciting briefly the proceedings that have been had, giving the names of the parties interested, describing the lands taken for such road, the award of damages therefor and the payment or deposit of the money, and deliver the same to the county road commissioner or such depository as he shall designate, and thereupon the title to such land shall be deemed vested in the county to be used for road purposes only. Such certificate shall be recorded in the book of deeds in the office of the register of deeds. Such certificate or the record thereof or a certified copy of such record shall be prima facie evidence of the facts recited therein and of title to such lands in the county and of the right of the county to construct and maintain a road thereon. The court shall fix the compensation of the commissioners, not to exceed three dollars per day and determine the amount of necessary expenses incurred in connection with such proceedings which shall be paid by the board of supervisors.

SEC. 13. The board of supervisors shall have authority and power, through the county road commissioner, to grade, drain, construct, stone, gravel or macadamize any road under control of county authorities or to place thereon any other form of improvement which in their judgment may be best, and to extend and enlarge such improvements, and they may construct bridges and culverts and repair and maintain said roads, bridges and culverts. The county road commissioner shall have all the authority in respect to such roads which is vested in highway officers of townships relative to encroachments and obstructions thereon and the preservation of bridges, of trees, and the removal of thistles, milk-weeds and other noxious weeds. He may authorize and direct action to be brought for injury to any county road or any improvement thereon or to any bridge or culvert under his jurisdiction. Money recovered in such actions shall be paid to the county treasurer and credited to the county road funds.

SEC. 14. Whenever the board of supervisors determines to improve any county road or to construct any bridge or culvert, it shall also determine what, if any, plans and specifications therefor shall be prepared and by whom, or may delegate such authority to the county road commissioner, and may, from time to time, adopt such regulations in relation thereto as shall appear to it to be necessary or proper. The board may also determine whether or not such work shall be let by contract; and, if it determines that it shall, may also determine whether bids shall be advertised for, the manner and time of the advertisement, or may give the county road commissioner or any of its officers, committees or employes such power and authority in relation thereto as it shall deem proper.

Construction of roads, etc., by whom determined, etc.

SEC. 15. All plans, specifications, contracts, assessment rolls and other papers, documents and files of every nature, shall be kept in the office of the county clerk.

Contracts, documents, etc., where kept.

SEC. 16. The board of supervisors may employ a competent engineer or other suitable person or persons to superintend the work of making any of the improvements contemplated by this act; or may direct such employment by the county road commissioner. The county road commissioner shall, for the purpose of carrying out the objects of this law, have full power and authority to employ such agents and servants, not herein elsewhere provided for, as he shall deem necessary for the carrying on of the county road work, subject to the direction of the board of supervisors. The board of supervisors shall have the power to purchase, or direct the purchase of such machinery, tools, material and so forth as it may deem proper for the purposes of this act.

Superintendent, etc., employment of.

Machinery, tools, etc., purchasing of.

SEC. 17. Said board may authorize and direct the county road commissioner to ascertain the cost, including cost of surveys, plans, specifications, preliminary estimates and advertising for bids of the permanent improvement of any road by stoning, grading, graveling, macadamizing or otherwise, and to file a verified statement of such costs; also to ascertain the parcels and descriptions of land in the vicinity of the improvement which are specially benefited thereby; to make and file a map or plat of said district, which shall not extend beyond one mile on either side of the highway improved; and to prepare a special assessment roll which shall contain a description of the several parcels of land within the assessment district, and the amount which each is by him deemed to be specially benefited by the improvement: *Provided*, That no part of the cost of any bridge or culvert, and the approaches thereto, in excess of three hundred dollars shall be included in the special assessment. Such assessment rolls shall be numbered and each shall have endorsed upon it the name of the road, or part of the road, improved: *Provided*, That no more than fifteen per cent of the total cost of said improvement shall be spread as a special tax upon any special assessment district, but such assessment shall not be deemed

Cost of improvements of roads.

Map of surrounding district, filing of.

Special assessment roll.

Proviso as to cost of bridge, etc.

Assessment roll to be numbered, etc.

Proviso, amount levied on special assessment district.

Special tax,  
levying of,  
upon town-  
ship, limited.

complete and binding until approved by the board of supervisors. The board of supervisors may also levy a special tax upon any township or townships which it may deem specially benefited by the improvement of any highway, which assessment shall not exceed fifteen per cent of the total cost of such improvement.

Special  
assessment  
rolls, reviewing  
of, etc.

SEC. 18. The county clerk shall lay before the board of supervisors, on the first day of the October session in each year, or as soon thereafter as may be all such rolls as are contemplated by the last preceding section, which have been filed on or before the twenty-fifth day of September preceding said session, and the board shall, during that session or at any session to which they may adjourn, carefully review each of such assessments and may change, modify or correct the same in whole or in part, may change the assessment district, or may approve and ratify the entire assessment without change. And said board shall hear all persons in relation to each assessment who may be interested in any property in said assessment district which is liable to be specially assessed for said improvement. All persons shall be bound

Notice of,  
publishing of.

to take notice that such hearing, review and assessment will be had and made at such session whether any further notice than the provisions of this act be given or not. The board of supervisors shall designate some weekly or semi-weekly newspaper, published and in general circulation in said county, as the official newspaper of said board, and the county clerk shall in the first issue of said paper after September twenty-fifth, in each year, publish a notice of all such proposed assessment rolls as have been filed in his office during the year prior to and including said date and shall repeat the publication in the next issue of said paper if it is a weekly paper, and in the next two issues of a semi-weekly paper:

Proviso.

*Provided*, That said notice shall be sufficient if it give the name of the road improved and mention in general terms the nature of the improvement. Proof of such publication may be made by affidavit of the printer or publisher of the newspaper in which it is made, or any other person having knowledge of the fact, and shall be filed in the office of the county clerk. Every roll so made, reviewed, ratified and confirmed by said board, shall be final and conclusive, and the assessment so made shall thereupon become, and until paid shall, with the interest thereon, remain a lien upon the lands assessed. Special assessment rolls, when completed, shall be filed in the office of the county clerk, and a duplicate thereof shall be filed with the county treasurer.

Affidavit as  
proof of  
publication,  
filing.

Roll, when  
final, etc.

Where filed.

Interest,  
special  
assessments  
to bear, rate.

SEC. 19. Special assessments made under this act shall bear interest from and after thirty days from the last day of the session of the board at which they were made and approved. The rate of interest shall be the same as the general tax laws of the State provide shall be paid upon delinquent taxes: *Provided*, That the board of supervisors may

Proviso.

fix a lower rate of interest. And the provisions of the general tax laws of the State as to collection fees to be paid township treasurers shall apply to such parts of any special assessment as shall be carried into the township tax roll.

Collection  
fees.

Sec. 20. The owner of, or any person interested in any parcel of land thus specially assessed or of any undivided part or interest, may pay the assessment upon said land or said undivided part or interest to the county treasurer at any time after the assessment roll shall be completed and filed with the county clerk, and a duplicate thereof filed with the county treasurer, and said treasurer shall give him duplicate receipts therefor, and minute the same as paid upon his duplicate roll. The county treasurer shall also file with the county clerk a certificate showing said payment and the clerk shall minute the fact upon the assessment roll opposite the description of land, and thereafter no part of the assessment so paid shall be carried into the township tax roll.

Payment of  
assessments.

Duty of  
county  
treasurer and  
clerk.

Sec. 21. If any part of such special assessment shall have been carried into the township roll as provided in this act before such payment to the county treasurer, the person paying the same may file one of the duplicate receipts received from the county treasurer with the township clerk who shall immediately report the same in writing to the supervisor, if the township tax roll be in his hands, and to the township treasurer if the roll be in his; and the officer in possession of the township tax roll shall thereupon minute the fact of such payment upon the roll opposite the description of land: *Provided*, That if, when such payment is made to the county treasurer, any part of the assessment is then payable to the township treasurer with the addition of collection fees, the amount of such fees shall also be paid to the county treasurer.

Action, when  
special  
assessment  
carried into  
township roll.

Proviso.

Sec. 22. The board of supervisors shall divide said special assessments when completed into four equal parts and shall order one of those parts, together with interest on the whole special assessment from the end of the thirty days aforesaid to the first of March following, to be entered upon the tax roll of the township for the current year in a column to be headed "Special county road tax;" and each year thereafter until the whole of said tax has been carried into the township roll, or paid, the board of supervisors shall order one-fourth of the whole of said assessment, together with the interest on the unpaid portion thereof for one year, to be entered upon said township tax roll in the manner aforesaid. And all the provisions of the general tax laws of the State relative to the collection and return of county taxes, and to the sale of property returned delinquent for such taxes shall apply in the case of such special assessment.

Special  
assessments  
divided.

General tax  
law to  
govern  
collection, etc.

Sec. 23. At the October session in each year, the county road commissioner shall recommend to the board of supervisors the amount of tax to be raised for such year in said county for the purposes contemplated by this act, and the board of supervisors shall thereupon determine upon the

Amount of  
taxes to be  
raised,  
determination  
of, etc.

Tax, limit of.	amount to be raised, and shall cause such determination to be entered upon their records. Such tax shall not exceed two dollars on each one thousand dollars of the assessed valuation upon the assessment rolls of the county for the preceding year. Said board shall also apportion such tax among the several townships and wards of said county, according to their equalized valuation, and the supervisors or other assessing officers in such townships and wards shall levy and apportion the taxes so apportioned to their respective townships and wards upon the tax rolls of such townships and wards respectively, upon which the county taxes are assessed. The taxes so assessed shall be collected and paid to the county treasurer, the same as other county taxes. All the provisions of law regarding the assessment, levy, collection and return of the county taxes and the sale of property delinquent therefor, shall apply to taxes to be raised pursuant to this act. The county treasurer shall keep a separate account of the taxes collected and money received under this act, and shall pay the same out only upon the order of the county road commissioner, countersigned by the county clerk.
Apportionment of.	SEC. 24. A vacancy in the office of county road commissioner shall be filled by appointment by the board of supervisors.
Law governing collection, etc., of taxes.	SEC. 25. It is hereby made the duty of said county to keep in reasonable repair, so that they shall be reasonably safe and convenient for public travel, all county roads, bridges and culverts that are within its jurisdiction and under its care and control, and which are open to public travel. The provisions of law respecting the liability of townships, cities, villages and corporations for damages for injuries resulting from a failure in the performance of the same duty respecting roads, bridges and culverts under their control, shall apply to said county after adopting the county road system. In actions arising thereunder, service shall be made on the county clerk and named in the process as the "County of Midland," and any judgment obtained thereon against such county shall be audited and paid as are other claims against such county.
Vacancy in office, how filled.	SEC. 26. All moneys raised by taxation or collected as fines and penalties and all special assessments collected under the provisions of this act, shall be paid into the county road fund.
Duty of county to keep roads, etc., in repair.	SEC. 27. No money raised under the provisions of this act shall be expended within the corporate limits of any city or village in said county, but all moneys raised by tax or assessment upon property within the corporate limits of the city of Midland shall be expended on a road or roads leading to and directly benefiting such city, and all money raised by tax or assessment upon property within the corporate limits of the city of Coleman, shall be expended on a road or roads leading to and directly benefiting such city.
Cities, townships, etc., liabilities of.	
Moneys raised, etc., paid into county road fund.	
Moneys raised, how expended.	

SEC. 28. If, at any time hereafter, the board of supervisors of said county shall think it desirable to submit to the electors of said county the question of raising money for the purposes contemplated in this act by issuing the bonds of the county, they may submit such question by a majority vote; and they shall, at the same time, determine when such vote shall be taken, whether at a general or special election, the notice of such election which shall be given, the form of the ballot to be used, and the manner of canvassing, returning and preserving the evidence of such vote. And shall also at the same time determine the amount of money which it is proposed to thus raise.

Bonds, issuing of, when submitted to electors, etc.

SEC. 29. If a majority of the electors of said county, voting upon said question, when so submitted, shall vote in favor of issuing such bonds, the board of supervisors, at any regular or special session thereafter, shall determine the denomination of the bonds, the length of time they shall run, the rate of interest they shall bear, not exceeding five per cent per annum, and shall cause such bonds, with interest coupon attached, to be issued, signed by the clerk and chairman of the board of supervisors. Such bonds shall be negotiated under the direction of the board of supervisors, at not less than the face value thereof, and the money received therefor paid into the county treasury of said county, and there kept in the county road fund, to be drawn therefrom and used only in the manner and for the purposes mentioned in this act, and only such number of said bonds shall, from time to time, be signed, issued and negotiated as said board of supervisors shall, from time to time, determine.

Bonds, denomination, etc., of.

Negotiation of, etc.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 611.]

AN ACT to authorize the village of Ford, in the county of Wayne and State of Michigan, to raise money by the issue of bonds for the construction and extension of a water works system in said village, and its use therefor.

*The People of the State of Michigan enact:*

SECTION 1. The village council of the village of Ford, in the county of Wayne, and State of Michigan, is hereby authorized and empowered to borrow money on the faith and credit of said village and issue bonds therefor for the amount not to exceed ten thousand dollars, which shall be expended by said village council in constructing and extending its water works system in said village. The said village council is

Amount, council may borrow.

Bonds, when payable.

Proviso.

Loan, question submitted to electors, etc.

Ballot, form of.

Vote, canvassing of.

Bonds, how issued, etc.

Time for re-submitting question, limited.

Tax clause.

Law governing.

further authorized and empowered to borrow money therefor on the faith and credit of said village and to issue bonds of the village to pay for said water works system. Said bonds shall be due and payable in thirty years from the date of issue and shall bear interest at the rate to be fixed by the village council not to exceed five per cent per annum, payable semi-annually: *Provided*, That said bonds shall not be sold for less than their par value.

SEC. 2. The question of borrowing said money and issuing said bonds shall be submitted by the village council to the electors thereof, at an annual election or a special election duly called for that purpose, and the vote shall be taken as nearly as may be in accordance with the provision of act number three, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five. The vote upon such proposition shall be by ballot, either written or printed or partly written or printed, and the proposition shall be stated thereon in the following form:

"Shall the village issue its bonds in the sum of ten thousand dollars for the purpose of constructing and extending its water works system, Yes."

"Shall the village issue its bonds in the sum of ten thousand dollars for the purpose of constructing and extending its water works system, No."

The ballot shall be deposited in a separate ballot box provided for that purpose, and the vote cast shall be canvassed and certified in the same manner as the votes cast for village offices at an annual election.

SEC. 3. If such loan shall be authorized by a majority of said electors, such bonds signed by the president of the village and countersigned by the clerk thereof, may be issued in such denominations and payable at such places as the village council shall determine, and may be regulated by or under the direction of said council, and the money raised therefrom shall be applied for the purpose aforesaid under the direction of said council.

SEC. 4. In case a majority of the electors of said village shall not authorize the issue of said bonds at the first election held under the provisions of this act, then the same proposition may be again submitted to the electors by the village council, at any annual or special election duly called, at any time within two years from the approval of this act.

SEC. 5. The said village council shall have the power to raise by taxation upon the taxable property of said village such sum or sums of money as shall be necessary and sufficient to pay the principal and interest of said bonds, as the same shall fall due.

SEC. 6. The construction and extension of such water works system and the issuance of such bonds shall be governed in all respects as provided in act number three of the public acts of eighteen hundred ninety-five, entitled "An



act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," and acts amendatory thereof, except as herein otherwise provided.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 612.]

AN ACT to amend chapter seven of act number two hundred forty-eight of the local acts of eighteen hundred ninety-one, entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," by adding thereto a new section conferring additional powers for regulating the liquor traffic and to be known as section twenty-seven of said chapter.

*The People of the State of Michigan enact:*

SECTION 1. Chapter seven of act number two hundred forty-eight of the local acts of eighteen hundred ninety-one, entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," is hereby amended by adding thereto a new section to be known as section twenty-seven and to read as follows: Section added.

## CHAPTER VII.

SEC. 27. After April fifteen, nineteen hundred seven, the common council of the city of Marquette, in addition to its common powers for the regulation of the liquor traffic, is hereby vested with the following powers: Additional powers.

First, To limit the number of places in said city where spirituous, intoxicating, malt, brewed, fermented or vinous liquors are sold as a beverage to twenty-five, and no greater number shall be licensed within said city until the population thereof shall exceed thirteen thousand, as shown by the State or Federal census or by a special census, appointed and taken by the said city of Marquette; and when the population of said city shall exceed thirteen thousand, then one such place may be added for each five hundred inhabitants or moiety thereof in excess of thirteen thousand; Limit number of saloons.

Second, To prescribe the districts and locations within the city where such saloons or places may or shall not be placed or kept; Prescribe location of.

Third, To examine into the character, reputation, prior observance or violation of law of every applicant for permission to engage in the business of the sale of such liquors as a Examine character etc., of applicants.

beverage, and to determine from such examination whether or not such applicant is a fit, proper and safe person to be permitted to engage in and carry on such business within the city, and to grant or refuse such permission in accordance with such examination and determination;

Require  
municipal  
license fee,  
amount of,  
when paid.

Fourth, To require a municipal license fee, not exceeding two hundred fifty dollars, in addition to the tax required by the general law of the State, as a condition precedent to the right to carry on such business within the city, said municipal license to be paid to the city treasurer, for the use of said city, on the first day of January next succeeding the payment of the State license tax;

Accept bond  
with surety.

Fifth, To accept in its discretion, in any case where the general laws require the furnishing of a bond with sureties by any dealer in such liquors as a beverage, the bond of such principal and any duly authorized surety company as surety thereon;

Pass necessary  
ordinances.

Sixth, To pass such ordinances as may be necessary to carry out and give effect to the provisions of this section.

Approved June 12, 1907.

[No. 613.]

AN ACT to grant the common council of the city of West Branch, power and authority to limit the number of places in said city where intoxicating liquors are sold as a beverage, to provide therefor by ordinance, and to provide the manner in which applications for licenses shall be made.

*The People of the State of Michigan enact:*

Additional  
powers.

SECTION 1. The common council of the city of West Branch shall have power and authority, in addition to the powers already heretofore granted by the general laws incorporating cities of the fourth class of the State of Michigan, as follows:

License,  
application  
for, etc.

SEC. 2. Before entering upon the business of engaging in the sale of spirituous, fermented or intoxicating liquors as a beverage, the person desiring to engage in such business shall make application in writing therefor to the common council of the said city, specifying the location of the building in which he intends to keep such saloon or bar. Such application shall be accompanied by a recommendation, signed by at least five reputable citizens, that the applicant for such license is well known to them and has a good reputation. If, in the opinion of said common council, such applicant shall not be a person of good moral character or the location proposed shall be deemed by it unsuitable, it shall refuse to grant the application for such license.

SEC. 3. The number of places in said city of West Branch where intoxicating liquors are sold as a beverage, shall be limited to five and no greater number shall be licensed within said city until the population thereof shall exceed twenty-five hundred as shown by the last State or National census, or by special census appointed and taken by the said city of West Branch. Saloons, number limited.

SEC. 4. When the population of said city shall exceed twenty-five hundred then one such place may be added for each five hundred inhabitants or fraction thereof in excess of five hundred. When more may be added.

SEC. 5. After an application for a license shall have been approved by the common council of the said city of West Branch, and before a license shall be issued, said applicant shall pay to the treasury of the city of West Branch for the use of said city such sum, in addition to the license fee now provided by statute, as may be determined by ordinance, not to exceed the sum of five hundred dollars. Additional license fee.

SEC. 6. The common council of the said city of West Branch is hereby authorized and empowered to enact such ordinances as may be necessary to carry out and give effect to the provisions of this act. Ordinances, council may enact.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 614.]

AN ACT to grant the city council of the city of Niles, power and authority to limit the number of places in said city where intoxicating liquors are sold as a beverage, to provide therefor by ordinance, and to provide the manner in which applications for licenses shall be made.

*The People of the State of Michigan enact:*

SECTION 1. The city council of the city of Niles shall have power and authority, in addition to the powers already heretofore granted by the general laws incorporating cities of the fourth class of the State of Michigan, as follows: Council additional authority of.

SEC. 2. Before entering upon the business of engaging in the sale of spirituous, fermented or intoxicating liquors as a beverage, the person desiring to engage in such business shall make application in writing therefor to the city council of said city of Niles, specifying the location of the building in which he intends to keep such saloon or bar. Such application shall be accompanied by a recommendation, signed by at least ten reputable citizens, that the applicant for such license is well known to them and has a good reputation. If, in the Liquor licenses.

opinion of the city council, such applicant shall not be a person of good moral character, it shall refuse to grant the application for such license.

Saloons,  
number of.

SEC. 3. The number of saloons now in the city of Niles, shall remain at fourteen, being the number at present engaged in that business, but from time to time the number shall be reduced as the present saloon keepers shall retire and close out their business, having no successors, or purchasers of their stock and business, until the number remaining shall be five, or one for each thousand of population, or a fraction thereof, as shown by the last State or National census, or by special census appointed and taken by the said city of Niles.

Proportion to  
population;  
when may  
increase  
number.

SEC. 4. When the population of said city of Niles shall exceed five thousand, then one such saloon may be added for each thousand inhabitants or fraction thereof in excess of five thousand.

Local license  
to be paid.

SEC. 5. After an application for a license shall have been approved by the city council of said city of Niles and before a license shall be issued, said applicant shall pay into the treasury of the city of Niles, for the use of said city, such sum, in addition to the license fee now provided for by statute, as may be determined by ordinance, not to exceed the sum of five hundred dollars.

Council to  
enact certain  
ordinances.

SEC. 6. The city council of the said city of Niles is hereby authorized and empowered to enact such ordinances as may be necessary to carry out and give effect to the provisions of this act.

This act is ordered to take immediate effect.

Approved June 12, 1907.

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[No. 615.]

AN ACT providing for the division of the township of Bedford, Calhoun county, Michigan, into two election districts.

*The People of the State of Michigan enact:*

Election  
districts,  
township  
divided into.

SECTION 1. The township of Bedford, Calhoun county, Michigan, is hereby divided into two election districts. District number one is comprised of sections one to eighteen of said township, both inclusive, and district number two is hereby composed of sections nineteen to thirty-six, both inclusive.

Township  
board to post  
notices of  
boundaries.

SEC. 2. It is hereby made the duty of the township board to meet at least twenty days previous to the first general election or township meeting after this act shall take effect and to cause to be posted notices of the boundaries of said elec-

on districts in such manner as is provided for in chapter ninety-five of the Compiled Laws of eighteen hundred ninety-seven, and to take such subsequent action in relation thereto as is provided for by chapter ninety-five of the Compiled Laws of eighteen hundred ninety-seven in cases where townships are divided into election districts by the action of the township board.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 616.]

**AN ACT** to authorize the common council of the city of St. Joseph, Berrien county, Michigan, to regulate by ordinance the sale of spirituous and intoxicating liquors and malt, brewed or fermented liquors and vinous liquors at retail in said city, relative to the number of saloons and the acceptance of surety companies as surety on liquor bonds.

*The People of the State of Michigan enact:*

**SECTION 1.** The common council of the city of St. Joseph, Berrien county, Michigan, shall have power by ordinance to limit the number of saloons and other places, except drug stores, where spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors are sold or kept for sale in said city, to any number not less than one of such saloons or places for every one thousand inhabitants of said city as shown by the last preceding State or National census: *Provided, however,* That until said city has a population of fifteen thousand inhabitants, the common council may allow such saloons and places to the number of fifteen, but no more. Limitation of places where liquor is sold.

**SEC. 2.** All bonds required by act three hundred thirteen of the public acts of the year eighteen hundred eighty-seven, and amendments thereto, of the persons engaged in the business of selling and keeping for sale any spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors in said city of St. Joseph, except druggists, may be executed by the principal, together with a surety company organized and existing under the laws of the State of Michigan, with a capital of not less than five hundred thousand dollars, to be approved by the common council of said city, to act as surety or guarantee as provided by law in other cases. Surety company bonds, acceptable.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 617.]

AN ACT to authorize the village of Paw Paw, in the county of Van Buren and State of Michigan, to condemn and appropriate private property lying outside its corporate limits to its use for dam and flowage purposes in the erection, construction and maintenance of an electric lighting system for lighting the streets of said village and for furnishing the inhabitants thereof with electric lights and to provide a water power for operating the same.

*The People of the State of Michigan enact:*

Private  
property,  
condemnation  
for electric  
light purposes.

SECTION 1. It shall be lawful for the village of Paw Paw, in the county of Van Buren and State of Michigan, and said village is hereby authorized and empowered to condemn and appropriate private property situated on sections six and seven in the township of Antwerp and sections one and twelve in the township of Paw Paw in said county of Van Buren, to its use for dam and flowage purposes in the erection, construction and maintenance of an electric lighting system for lighting the streets of said village of Paw Paw, and for furnishing the inhabitants thereof with electric lights and to provide a water power for operating the same.

Laws which  
may be  
invoked.

SEC. 2. All laws now in force, authorizing the condemnation and appropriation of private property for public uses, as far as applicable, may be invoked in carrying into effect the provisions of this act, and the same proceedings shall be had and the same compensation made as is now provided by law: *Provided*, That any proceedings instituted under the provisions of this act must be conducted in conjunction with a like proceeding instituted under the general law of this State for condemning and appropriating lands within the corporate limits of said village of Paw Paw, in furtherance of the object herein provided for, and the condemnation and appropriation of private property aforesaid for the purposes aforesaid, both within and without said village shall be by one and the same proceeding, and provides said village with a connected and continuous right of flowage for storing water for said water power.

Proviso,  
relative to  
proceedings  
instituted.

This act is ordered to take immediate effect.

Approved June 12, 1907.

## [No. 618.]

AN ACT to amend act number four hundred thirty of the local acts of eighteen hundred ninety-nine, entitled "An act to amend and revise the charter of the city of Battle Creek," by adding to chapter ten thereof one new section to stand as section twelve, conferring additional police power over rivers and streams within said city.

*The People of the State of Michigan enact:*

SECTION 1. Act number four hundred thirty of the local acts of eighteen hundred ninety-nine, entitled "An act to amend and revise the charter of the city of Battle Creek," is hereby amended by adding one new section to chapter ten thereof to stand as section twelve and to read as follows: Section added.

## CHAPTER X.

SEC. 12. The common council of said city, in addition to the other powers and duties conferred by the act or acts of which this is amendatory, is hereby authorized and empowered to exercise such reasonable supervision over and in all rivers and streams within said city as may be necessary for the public good; and may dredge said streams and prohibit and prevent encroachments or the dumping of refuse therein and may, by ordinance, carry into effect the provisions of this section and punish violations of the same. Supervision  
over rivers and  
streams.

This act is ordered to take immediate effect.

Approved June 12, 1907.

## [No. 619.]

AN ACT to amend the title and section one of act number four hundred seventy-one of the local acts of nineteen hundred five, entitled "An act relative to applications for the locating, establishing, cleaning out, straightening, deepening, widening or extending of drains in Kent county and Tuscola county."

*The People of the State of Michigan enact:*

SECTION 1. The title and section one of act number four hundred seventy-one of the local acts of nineteen hundred five, entitled "An act relative to applications for the locating, establishing, cleaning out, straightening, deepening, widening or extending of drains in Kent county and Tuscola county," are hereby amended to read as follows: Title and  
section  
amended.

**Title.** An act relative to applications for the cleaning out, straightening, deepening or widening of drains in Kent, Bay and Tuscola counties.

**Drains, improvement of.** SECTION 1. Hereafter all applications made to the county drain commissioner of Bay, Kent and Tuscola counties for the cleaning out, straightening, deepening or widening of any drain in said counties shall be signed by freeholders owning not less than one-third of all lands liable to an assessment for benefits on such drains.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 620.]

AN ACT to incorporate the village of Barryton in the county of Mecosta.

*The People of the State of Michigan enact:*

**Territory included.**

SECTION 1. All that territory situated in the township of Fork, county of Mecosta and State of Michigan, and described as follows, viz.: The south half of the southeast quarter, section twenty-one; the east half of the northeast quarter, section twenty-eight; the north half of the southwest quarter, section twenty-seven; the east half of the southeast quarter, section twenty-eight; the north half of the southeast quarter, section twenty-seven; the south half of the northeast quarter, section twenty-seven; the northwest quarter of section twenty-seven, which includes the recorded plat of the village of Barryton and additions thereto, all within said township of Fork, Mecosta county, Michigan, is hereby incorporated as the village of Barryton.

**Body politic, name, title, powers, etc.**

SEC. 2. The inhabitants of said village shall be and constitute a body politic and corporate, to be known and distinguished by the name and title of the village of Barryton, and the said village shall be vested with all the powers and privileges and subject to all the restrictions, except when inconsistent with the provisions of this act, and liabilities of villages organized under an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and all acts amendatory thereof or in addition thereto.

**Election of officers.**

SEC. 3. The first election of officers for said village shall be held on the twenty-fourth day of June, nineteen hundred seven, at the town hall situated in said village.

**Board of registration and election inspectors.**

SEC. 4. James L. Campbell, W. E. Redick, O. S. Wood and Jacob Otterbine are hereby constituted the board of registration and election for the purpose of registering voters for the



first election to be held in said village, and of acting as inspectors of election at said first election, and the said board of registration is hereby directed to meet on the Saturday preceding the said twenty-fourth day of June, nineteen hundred seven, in the town hall in the said village of Barryton, and register the names of all persons, residents of said village, presenting themselves for registration, and having the qualifications of voters under the constitution and laws of the State of Michigan.

SEC. 5. Notices of said first election of officers of said village shall be posted in three of the most public places in said village, at least five days before the date of said election, which notice may be signed by any five electors in said village. Notices of election.

SEC. 6. The said village of Barryton shall, in all things not herein otherwise provided, be governed by the said act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred ninety-five, and the acts amendatory thereof and in addition thereto. Village, act governed by.

SEC. 7. In case the officers of said village are not elected at the time designated in section three of this act, the election of such officers may be held at any time within one year from the time designated in said section, notice thereof being given as provided in section four of this act. Special election.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 621.]

AN ACT to authorize the township board of the township of Boone, county of Wexford, to divide the said township into two election precincts, and to appoint boards of registration and election inspectors therefor.

*The People of the State of Michigan enact:*

SECTION 1. The township board of the township of Boone, county of Wexford, is hereby authorized and empowered to divide the said township into two election precincts, and to appoint an additional board of registration and election inspectors for the first election after the passage of this act. Township, division into election precincts.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 622.]

AN ACT to authorize the creation of school district number one fractional of the townships of Johnstown, Baltimore and Barry of Barry county.

*The People of the State of Michigan enact:*

Territory  
included.

SECTION 1. Upon the approval of a majority of the resident taxpayers resident within the following named districts, all the territory now included in such districts according to the plats of the same on file in the offices of the township clerks of Johnstown and Barry townships, to wit, districts number one, Johnstown; number three fractional, Johnstown and Baltimore; number six, Johnstown; number seven, Johnstown; number nine fractional, Barry and Johnstown, shall be organized into a school district to be known as district number one fractional of Johnstown, Baltimore and Barry townships, Barry county.

Consolidation  
of districts.

SEC. 2. The proposition to consolidate the above named districts into one district shall be submitted to a vote of the qualified voters resident within the boundaries of the several districts named, at a special meeting to be held Friday evening, June twenty-first, nineteen hundred seven, at such place as shall be designated by the board of school inspectors of the township of Johnstown, said meeting to be held between the hours of seven-thirty o'clock p. m., standard time, and ten-thirty p. m. on said June twenty-first. The chairman of the board of school inspectors of the township of Johnstown shall give notice of said special meeting by posting at least two notices within the boundaries of each of the above named districts at least five days prior to such meeting and said notice shall specify the place at which the meeting is to be held and the hour thereof.

Notice of  
special  
meeting.

Form of  
ballot.

SEC. 3. The form of ballot to be used at said special meeting shall be "For consolidation—Yes" and "For consolidation—No." Persons qualified to vote at school district meetings upon questions involving the raising of money, that is, resident taxpayers, shall be entitled to vote upon the question of consolidation, and if a majority of said resident taxpayers vote in favor of the consolidation then said school district number one fractional of the townships of Johnstown, Baltimore, and Barry shall be organized as a primary school district as hereinafter provided.

Inspectors of  
election.

SEC. 4. The board of school inspectors of the township of Johnstown shall be inspectors of the special election held as aforesaid, on June twenty-first and shall canvass the votes cast in the same manner as votes for township officers are canvassed and shall, at the close of the canvass, publicly declare the result of the election by announcing the votes cast for and against the proposition, and said board shall keep a record of said meeting and shall record the same in the office

of the township clerk of the township of Johnstown, and said record shall also show all proceedings of said board of inspectors in connection with the organization of said school district number one fractional, together with the certificate of the chairman of the board of school inspectors that he did properly post the notices in two places in each of the districts hereinbefore mentioned.

SEC. 5. If at said special meeting held on the twenty-first of June, nineteen hundred seven, a majority of the resident taxpayers residing within the territory of the new district shall vote in favor of the consolidation of all the territory of said districts, then immediately upon the announcement of said vote by the chairman of the board of school inspectors in charge of such election school district number one fractional of Johnstown, Baltimore, and Barry townships in Barry county, shall be considered in existence and all the property, both real and personal, belonging to the school districts hereinbefore mentioned shall become the property of school district number one fractional of the townships of Johnstown, Baltimore and Barry, and the qualified voters present at said special meeting held on the twenty-first day of June, nineteen hundred seven, shall immediately proceed to elect a school board consisting of a moderator elected for the term of three years, a director for two years, and a treasurer for one year: *Provided*, That the first year shall be reckoned from the date of this special election until the second Monday of July, in the year nineteen hundred eight, and regularly thereafter, at the annual meeting of the district held on the second Monday of July, their several successors shall be elected in like manner for a term of three years each.

Consolidation,  
if election  
favorable.

Proviso.

SEC. 6. The several officers elected as hereinbefore provided shall, within ten days after their election, file with the township clerk of the township of Johnstown their written acceptance of office, accompanied by an affidavit setting forth that they are eligible to hold school office under the provisions of the general school laws of the State, and immediately after the officers so elected shall have filed said acceptances the township clerk of the township of Johnstown shall notify the directors of the several districts hereinbefore mentioned that said acceptances and affidavits have been filed and that the new district of number one fractional of Johnstown, Baltimore, and Barry has been properly organized, upon which the directors and treasurers of the several districts shall turn over to the officers of the new district all the books, records, documents, and property in their hands belonging to the several districts hereinbefore mentioned as heretofore existing, and the school board of said district number one fractional of Johnstown, Baltimore and Barry townships hereby created shall thereafter take charge of such property and have such powers and duties in connection therewith as is provided by the general school laws of the State.

Acceptance of  
office; affidavit  
of eligibility,  
filing of.

Reports.

SEC. 7. The reports of said district number one fractional shall be made as the reports of all other school districts and to the township clerk of the township of Johnstown, and said school district number one fractional shall have all the powers and duties given to primary school districts by the general school laws and shall be governed in all respects by the general school laws of the State.

This act is ordered to take immediate effect.

Approved June 12, 1907.

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[No. 623.]

AN ACT to authorize and empower the common council of the village of North Branch, in Lapeer county, Michigan, to accept surety company bonds in lieu of the bonds required of liquor dealers under chapter one hundred thirty-eight of the Compiled Laws of eighteen hundred ninety-seven; to limit the number of saloons which may be licensed in said village, and to permit the acceptance of residents of the township of North Branch as individual sureties on bonds of such liquor dealers.

*The People of the State of Michigan enact:*

Liquor  
dealers may  
give surety  
company  
bonds.

SECTION 1. The common council of the village of North Branch, in Lapeer county, Michigan, is hereby authorized and empowered to accept, in lieu of the bonds required of liquor dealers under the provisions of chapter one hundred thirty-eight of the Compiled Laws of eighteen hundred ninety-seven, the bond of the principal and any reliable surety company which is or shall be authorized by the insurance department of this State to do business in Michigan.

Saloons,  
limiting  
number of.

SEC. 2. There shall be but two saloons licensed by the common council of the village of North Branch to engage in the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors and malt, brewed or fermented liquors and vinous liquors in the said village, until the population thereof, according to the last preceding State or Federal census, shall exceed fifteen hundred, when the said common council may license one additional saloon for each additional seven hundred fifty persons or fraction thereof so enumerated.

Individual  
sureties.

SEC. 3. In cases where individuals are accepted as sureties on such liquor bonds, said common council of said village shall have power to accept as such sureties residents of the township of North Branch in Lapeer county, who are otherwise qualified under the general laws of this State to act as such sureties. In all other respects such bonds when executed

by individual sureties, shall conform to the general laws of the State.

Approved June 12, 1907.

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[No. 624.]

AN ACT to attach certain territory to the village of Manchester, in the county of Washtenaw and State of Michigan.

*The People of the State of Michigan enact:*

SECTION 1. The east half of the southeast quarter of the northwest quarter, and the south half of the northeast quarter of section number eleven, in the township of Manchester, county of Washtenaw and State of Michigan, all being in township four south, range three east, is hereby attached to and incorporated with the village of Manchester in the county of Washtenaw and State of Michigan, and made a part thereof.

Territory  
attached.

Approved June 12, 1907.

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[No. 625.]

AN ACT to detach certain territory from the township of Rudyard, in the county of Chippewa and State of Michigan, and organize the township of Fibre in said county.

*The People of the State of Michigan enact:*

SECTION 1. The following described territory, to wit: Sections twenty-five to thirty-six inclusive, in town forty-five north of range three west, and entire town forty-four north of range three west, now forming part of the township of Rudyard in the county of Chippewa, is hereby detached from the residue of the above named township, and organized into a separate township to be known as the township of Fibre: *Provided, however,* That before the township of Fibre shall be organized by detaching sections twenty-five to thirty-six inclusive, in township forty-five north of range three west, and entire township thirty-four north of range three west, from the township of Rudyard in said county of Chippewa, a majority of the qualified electors residing in the township of Rudyard, county of Chippewa, shall, at the annual election, held in the township of Rudyard on the first Monday of April, nineteen hundred eight, vote in favor thereof.

Territory  
detached;  
organized  
into town-  
ship.

Proviso,  
submission to  
electors.

Annual  
meeting.

Board of  
registration.

Election  
commissioners.

Election  
inspectors.

Special  
election.

Inspectors,  
who to act  
when not  
present.

SEC. 2. The first annual meeting of said township of Fibre shall be held on the second Monday in April, nineteen hundred eight, at the building occupied by the United States post office at Fibre Station on the Minneapolis, St. Paul and Sault Ste. Marie Railroad; and Thomas Anderson, William Coleman and Carol Gowan, three electors residing in the above territory are hereby designated as a board of registration, whose duty it shall be to procure a registration book and register therein the names of the qualified electors of said township. Said board of registration shall meet on the Saturday next preceding the day of holding said annual meeting, at the building in which is the United States post office at Fibre, aforesaid; and they shall give notice thereof at least five days prior to the holding of said annual meeting by posting the same in three of the most public places in said township. Said board of registration shall have the same power and perform the same duties as are required by township boards of registration in townships under the general laws of this State. They shall also constitute the board of election commissioners for said election, and shall perform the duties provided by the general law relative to the preparation and printing of ballots to be used at said meeting.

SEC. 3. The said Thomas Anderson, William Coleman, Carol Gowan and also Thomas Askwith are designated and are hereby constituted inspectors of said election for said first annual meeting and election; and it shall be their duty to preside at said first election; to select a clerk and such gatekeepers and assistants as are required under the laws of this State; to open and keep the polls and to exercise the powers of township inspectors of election as the same may be exercised under the laws of this State.

SEC. 4. If for any reason the township meeting provided for [in] this act shall not be held at the time specified for holding the same, it shall and may be lawful to hold the same at any time thereafter by giving at least five days notice of the time and place of holding said meeting, by posting a notice thereof in four of the most public places in said township, which notice may be by said board of inspectors of election or a majority of them; and in case said township meeting is not held until a date subsequent to the date fixed in this act, the meeting of said board of registration herein provided shall be held on the Saturday preceding the date that may be set for the holding of said township meeting by said notice, notice thereof being duly given as herein provided.

SEC. 5. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified in this act, or at the time which may be subsequently determined as the date of the holding of said township meeting, it shall be lawful for the electors of said township who may be there at the time designated for the opening of said polls of said election, to choose from the electors present suitable persons to act as inspectors

of said election in place of such inspectors, who may neglect or be unable to attend said meeting.

Approved June 12, 1907.

[No. 626.]

AN ACT to establish a township system for maintaining, repairing and cleaning out established ditches, drains and water courses in the county of Monroe.

*The People of the State of Michigan enact:*

SECTION 1. In any township in the county of Monroe in which there have been located and established public ditches, drains and water courses, or in which public ditches, drains and water courses may hereafter be established, there shall, at the time and in the manner provided for by law for the election of township officers, be elected a township drain commissioner, who shall serve for a term of two years. In case a vacancy occurs in this office, by resignation or otherwise, the township board shall fill said vacancy by appointment, until the next spring election, when his successor shall be chosen for the unexpired term; and upon the taking effect of this act the township board may appoint a township drain commissioner, who shall hold office until the next spring election, or until his successor is elected and qualified.

Township  
drain commis-  
sioners, elec-  
tion, term, etc.

Vacancy  
filling of.

SEC. 2. Before entering upon the duties of his office the township drain commissioner shall take an oath of office, and shall give bond, with surety approved by the township board, in such sum as the township board shall determine, payable to it and conditioned for the faithful performance of his duties as a township drain commissioner; and said bond shall be filed with the township clerk and by him carefully preserved.

Oath of office  
and bond.

SEC. 3. When a petition, signed by three or more freeholders of any township, whose lands are abutting or benefited by any established ditch or drain, shall be served upon the township drain commissioner for such township, for the cleaning out and keeping in repair of any established ditch or drain, it shall be the duty of the township drain commissioner to divide the same into working sections, numbered consecutively beginning with the section nearest the outlet, and apportion the same to the land owners, railroads, townships and county, according to the benefits received, and all working sections allotted to each land owner to be on or as near as practicable to his premises, and it shall be the duty of such township drain commissioner to cause a new survey of such ditch or drain to be made, when requested in writing so to do, by five or more persons benefited by such ditch or drain in such township or townships.

Improvement  
of drains,  
duties of  
commissioner  
relative to.

Drain or ditch  
traversing two  
or more  
townships.

SEC. 4. When an established ditch or drain is located in two or more townships, and the township drain commissioner of any township, shall serve a written notice personally upon the township drain commissioner of any township, toward the outlet or mouth of said ditch or drain, that such ditch or drain, describing it by name, has been cleaned to its original depth and to as near its original capacity as may be in such township; and upon receipt of such notice the township drain commissioner or commissioners shall proceed to apportion such ditch or drain in such township or townships and shall proceed to have the same cleaned in the same manner as if a petition had been served upon him pursuant to the provisions of section three of this act, and in case the notice herein provided for shall be served upon two or more township drain commissioners, then in such case the apportionment provided for in section three of this act shall be made jointly by the township drain commissioners of such townships: *Provided, however,* That sections three and four of this act shall not apply to any portion of a ditch or drain where a dredge or a steam shovel had been used, when establishing such ditch or drain.

Proviso.

Apportion-  
ment of drain  
and notifica-  
tion of  
assessment.

SEC. 5. When the apportionment of any ditch or drain provided for in sections three and four of this act is completed, the township drain commissioner shall, within ten days after the same is completed, notify in writing each lot and land owner or his or their agent or tenant, the station agent of any railroad to which a section has been assigned whose station is nearest said section, the township clerk of the township and the county clerk of the county to which any section is assigned, of the assessment thereon of the portion or section assigned to them, and of the date of the completion of the apportionment; and it shall be the duty of each lot and land owner, railroad, township or county so notified, to clean out said portions of sections of said ditches or drains and fixed by such apportionment, or in case the same be changed by the township board, then as fixed by them, to its full depth and capacity as originally constructed, and whenever necessary, reclean the same without further notice, having due regard for growing crops abutting upon such apportionment or section. It shall also be the duty of all parties assessed as provided in this section, to make the terminus of their respective working section, by planting a substantial post or mark, on which shall be cut or painted the number of the section. The township board of the township wherein said ditch or drain is located, or in case the same is located in more than one township, then the township boards of the several townships shall hold a meeting at their usual place of meetings, and in case of a joint meeting then at the usual place of meetings of the township board wherein the ditch outlets, the second Saturday after the completion of said apportionment, beginning at nine o'clock a. m., at which time shall be considered all protests against such apportionment.

Marking  
terminus of  
work.



and no notice of such meeting shall be required to be given. Any lot or land owner dissatisfied with its apportionment as made by the township drain commissioner, may appear at such meeting of township board and protest against the same and it shall thereupon be the duty of the township board to hear said protest and to change or modify such apportionment as justice may require, having due regard to the benefit to be received from said improvement by any lot or land owner; and to confirm the same either as made by such township drain commissioner or modified by it, and the township drain commissioner or commissioners making such apportionment shall attend upon said meeting.

Protest  
against  
apportion-  
ment.

SEC. 6. If there shall be apportioned, as aforesaid, to any tract of land, road, railroad, township or county, for the cleaning out and keeping in repair of any ditch or drain the approximate costs of which, in the judgment of the township drain commissioner, will be less than the sum of three dollars, the township drain commissioner may group these small sections together as conveniently as possible, and if the parties to whom they are apportioned neglect or refuse to clean out the same and keep the same in repair, the township drain commissioner is hereby authorized to sell the work of cleaning out of said section to the lowest responsible bidder, and take a bond with the approved surety for the certified completion of the work, and certify the cost of said work to the township board, which shall cause the same to be assessed against said lands, the same becoming a lien on the land and shall be collected the same as other drain taxes.

Neglect to  
keep small  
drain sections  
in repair;  
selling  
contract for  
repair.

SEC. 7. If any land owners, roads, railroads, townships or county notified to clean out the ditch or drain under the provisions of this act, shall neglect or refuse to comply with the same before the tenth day of October of each year, the township drain commissioner shall, after giving ten days' notice by posting notices in three conspicuous places in said township, sell the work of cleaning the section or sections, to the lowest responsible bidder, and take a bond as provided in section six of this act, and certify the costs thereof to the township board as provided in section six of this act, and the township drain commissioner shall certify the amount due the contractor or contractors for the work done, according to the provisions of this act, to the township board, who shall order the same paid out of the township drain fund.

Neglect to  
keep drains in  
repair; selling  
contract for  
repair.

SEC. 8. All costs certified to the township board under the provisions of this act shall be reported to the supervisor, levied and collected as other drain tax, and by the township treasurer placed to the credit of the drain fund of such township.

Costs, treated  
as other  
drain tax.

SEC. 9. The township board is hereby authorized and empowered to levy a tax upon all taxable property of said township, not to exceed one-third of one mill upon each dollar, to be known as the township drain fund, for the purpose of carrying out the provisions of this act.

Township  
drain fund,  
tax for, not  
to exceed.

Township  
drain com-  
missioner,  
compensation.

• SEC. 10. The township drain commissioner shall be entitled to such compensation as the township board may decide, which compensation shall not be less than two dollars, nor more than two dollars and fifty cents per day for the time actually engaged in performing the duties of his office, said compensation to be paid by an order of the township board, out of the township drain fund, upon presentation of an itemized account, verified upon oath by the township drain commissioner. The township drain commissioner shall be allowed one assistant, when actually engaged in measuring a ditch or drain; said assistant shall receive such compensation as the township board may decide, which compensation shall not be less than one dollar and fifty cents nor more than two dollars per day for the time actually employed, and shall be paid by an order of the township board out of the township drain fund, upon the certificate of the township drain commissioner duly verified.

Assistant, to  
provide for  
compensation  
of.

Tiled drains,  
not to apply  
to.

Proviso.

SEC. 11. Where any county or township ditch or drain, or any part thereof, had been tiled, or may sometime be tiled, said ditch or the part thereof which has been tiled, shall not be affected by the provisions of this act: *Provided*, Said tile is of sufficient capacity to carry off all the water and drainage through said ditch, drain or water course so as not to flood the adjacent lands above; but if, in the judgment of the township drain commissioner, said tile is small and insufficient to provide the necessary drainage, the surface ditch, drain or water course shall be kept open by the provisions of this act.

Property  
owners to  
keep drains  
clean.

Failure to  
keep drains  
clean.

Notice to  
remove  
obstructions.

Obstruction  
removed by  
commissioner.

SEC. 12. Any person or corporation through whose lands any ditch or drain is established, must keep it free and clear of fallen timbers, tree tops, logs, growing trees and shrubs, and broken bridges, or any other obstruction, upon his or its premises; and in case of a failure to do so, any persons or corporation aggrieved by any obstruction must notify the township drain commissioner of the fact, in writing, who shall at once examine the premises and inquire of the truth of the statement, and, if he find the statement to be true, he must immediately notify the owner of the land on which such obstruction exists, to remove it within a reasonable time, not exceeding ten days. On receipt of the notice from the township drain commissioner to remove said obstruction the owner or owners so notified, if he or they deem said demand unjust, unfair or unreasonable, can, within ten days from date of notice demand a public hearing, which hearing shall be before the township board, who shall determine, from the evidence, whether or not the lot, land owner, land owners, roads, railroads, township or county, is or are liable for the removal of said obstruction. And if the owner or owners found liable by the township board shall fail to remove the obstruction, the township drain commissioner shall at once cause the same to be removed at the expense of the land owner or land owners, and certify the cost of expense of removing such obstruction to the township board, who shall cause the same

to be assessed upon the lands of said person or corporation, and the same shall become a lien upon the land and shall be collected the same as other drain taxes, and be paid over to the township treasurer, and be paid over by said treasurer as provided in section eight of this act, and the township drain commissioner shall certify any cost and expense accruing under this section to the township board for payment, as provided in section seven of this act.

Sec. 13. It shall be the duty of each township drain commissioner, making apportionments under the provisions of this act, to keep an accurate record, in a suitable book to be furnished by the township, to be delivered to his successor at the expiration of his term of office, in which a record of all apportionments made by him on each drain in his township shall be entered; and it shall be the duty of such township drain commissioner to keep such record of sections so apportioned by him, in numerical order, and to whom each section has been assigned or apportioned, and also of the length and terminus of each section.

Records to be kept by commissioner.

Sec. 14. All acts or parts of acts conflicting with or inconsistent with the provisions of this act, are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 627.]

AN ACT to amend act number four hundred thirty-four of the local acts of the State of Michigan for the year eighteen hundred ninety-five, approved May twenty-four, eighteen hundred ninety-five, entitled "An act to incorporate the city of Three Rivers, and to repeal act number one hundred sixty-one of the session laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteen, eighteen hundred fifty-five, and all amendments thereto," by amending section four, as amended, section six and section eight, as amended, of chapter twenty-seven of said act.

*The People of the State of Michigan enact:*

SECTION 1. Act number four hundred thirty-four of the local acts of the State of Michigan, for the year eighteen hundred ninety-five, approved May twenty-four, eighteen hundred ninety-five, entitled "An act to incorporate the city of Three Rivers and to repeal act number one hundred sixty-one of the session laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved

Sections amended.

February thirteen, eighteen hundred fifty-five, and all amendments thereto," is hereby amended by amending section four, as amended, section six and section eight, as amended, of chapter twenty-seven of said act and said several sections of said chapter twenty-seven of said act number four hundred thirty-four of the local acts of the State of Michigan for the year eighteen hundred ninety-five, as said sections are hereby amended, shall read as hereinafter set forth.

## CHAPTER XXVII.

### BONDED AND OTHER INDEBTEDNESS.

Lighting plant,  
council may  
borrow  
money for.

SEC. 4. In case the council shall at any time, as in this act provided, declare that it is expedient for the city to purchase or construct and equip an electric or other lighting plant, the council shall, by resolution, determine what portion of the amount which the city may, at such time, borrow under the provisions of the preceding section, shall be appropriated towards the cost of such lighting plant; and if the amount which the council shall so decide to appropriate shall not be sufficient to make the sum required for the purpose of purchasing or constructing and equipping such lighting plant, the city may borrow, on the bonds of the city, such additional sum of money, not exceeding twelve thousand dollars, as shall be necessary to make up the balance of the sum required for the purchase, or construction and equipment of such lighting plant. In case the council shall, at any time, determine that it is expedient for the city to purchase and own a water power and appurtenances, or to purchase the necessary rights and privileges and construct a dam and establish and own a water power, to be used for the operation of the city water works, or for the operation of any electric or other lighting plant which the city may then own or may thereafter acquire, or construct and equip, or to be used for any other legitimate municipal purpose, the city shall have the right to purchase or establish and own such water power and appurtenances, and may borrow such additional sum of money, not exceeding fifty thousand dollars, as shall be required for the purpose of purchasing or establishing such water power and appurtenances, and issue the bonds of the city therefor: *Provided*, That the total bonded indebtedness of the city, for all purposes, including all amounts which may be borrowed under the provisions of this and the preceding section shall at no time exceed the sum of one hundred twelve thousand dollars: And *Provided further*, No bonds shall be issued for any purpose, except in accordance with the provisions of this chapter. No part of said twelve thousand dollars, authorized to be borrowed under the provisions of this section, shall be used for any purpose except to purchase or construct and

Water power,  
may borrow  
money to  
construct.

Proviso,  
relative to  
total amount.

Further  
proviso.

Purpose  
money may  
be used for.

equip an electric or other lighting plant; and no part of said fifty thousand dollars, authorized by the provisions of this section to be borrowed for purchasing a water power and appurtenances, or purchasing rights and privileges, constructing a dam and establishing a water power and appurtenances, shall be used for any other purpose. Such water power and appurtenances which may be purchased or established and owned by said city, may be situate anywhere in the county of St. Joseph, in this State. The bonds issued for the amount of the cost of establishing such water power and appurtenances, or the amount of the purchase price of such water power and appurtenances need not be sold to the highest bidder; but may be sold directly to the vendor of such water power or to any person or corporation selling land, rights of flowage or material to the city to be used in constructing and establishing such water power: *Provided*, Such bonds shall not, in any case, be sold for less than par. In case the city should ever own a water power and should not require for its own use, all of the power which might be developed thereby, the city shall have the right to lease all surplus power to any firm, person or corporation desiring the same, and to charge and collect rent for the use thereof.

Water power,  
where to be  
situated.

Bonds, who  
may buy.

Proviso,  
relative to  
price.  
Surplus  
power, right to  
lease.

SEC. 6. The rate of interest on all bonds hereafter issued by the city shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value, but shall be sold to the highest responsible bidder, except as provided in section four of this chapter.

Interest,  
rate of.

SEC. 8. Such bonds shall be signed by the mayor and clerk, shall be in sums of not less than one hundred dollars each, and shall be payable not exceeding thirty years from date of issue: *Provided*, That no larger amount of such bonds than four thousand dollars, shall become due and payable in any one year. The money necessary to pay the principal and interest of such bonds, as they shall mature, shall be raised by general taxation upon all of the taxable real and personal property in the city; but the sum so raised for the payment of both such principal and interest, in any one year, shall be included in and shall not increase the total amount which, by the provisions of section four of chapter twenty-six of this act, the council is authorized to raise by general tax.

Bonds,  
denomination  
of.

Proviso,  
relative to  
amount due.  
Tax to pay  
bonds,  
raising of.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 628.]

AN ACT to amend act number three hundred thirty-five of the local acts of eighteen hundred ninety-one, entitled "An act to incorporate school district number one of the city and township of Kalamazoo, Kalamazoo county, Michigan; and to repeal all acts and parts of acts inconsistent therewith and to provide for the maintenance of a public library under the management and control of the board of education of said district," approved May twenty-six, eighteen hundred ninety-one.

*The People of the State of Michigan enact:*

Sections  
amended and  
added.

SECTION 1. Act number three hundred thirty-five of the local acts of eighteen hundred ninety-one, entitled "An act to incorporate school district number one of the city and township of Kalamazoo, Kalamazoo county, Michigan; and to repeal all acts and parts of acts inconsistent therewith, and to provide for the maintenance of a public library under the management and control of the board of education of said district," is hereby amended by amending section one of said act and by adding a new section thereto to be known as section thirty-six, said amended section and said added section to read as follows:

School district,  
what  
territory to  
constitute.

SECTION 1. The land now within the limits of the corporation of the city of Kalamazoo, as at present organized, and such territory as may hereafter be annexed to said city, and also such contiguous territory as is now a part of school district number one of the city and township of Kalamazoo, as now organized, and all that parcel or tract of land in the township of Kalamazoo, Kalamazoo county, contiguous to the city of Kalamazoo, and school district number one of the city and township of Kalamazoo as both are now organized, and within a line beginning at a point on the boundary line of said city twenty rods north of the intersection of the centers of Humphrey and Dickama streets, according to the recorded plat thereof on file and of record in the office of the register of deeds for said county of Kalamazoo, thence easterly to a point twenty rods north of the intersection of the centers of Humphrey street and East avenue, and thence southerly to the boundary line of said school district, said boundary line being a southerly extension of Charles avenue, and also such contiguous territory as may hereafter be annexed to said school district number one for school purposes, shall for such purposes constitute a single school district and be known and designated as school district number one of the city and township of Kalamazoo, by which corporate name it may sue and be sued, and such district shall have all the powers and privileges conferred upon school districts by the general law, and in addition thereto such powers and privileges as are conferred by this act and such as may have been heretofore conferred upon it by special enactment.

Sec. 36. The board shall have power to elect a secretary in accordance with section six of said act, from its own number, or it may appoint a secretary or assistant secretary, or both, who need not be members of the board. The board shall also have power to employ such clerical assistants as it shall deem necessary. The board shall have power to provide for the payment of salaries to such secretary, assistant secretary or clerks, and to fix the amount of the same and the times at which such salaries shall be payable. The board may, in its discretion, dispense with the services of any person so employed as secretary or clerk, who is not a member of the school board, whenever it shall be decided by a majority vote of the board that such services are not for the best interests of the district.

Board,  
power to  
elect secretary,  
appoint  
assistants,  
pay salaries,  
etc.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 629.]

AN ACT to authorize the village of Morenci, in the county of Lenawee to borrow money and issue bonds therefor to the amount of one hundred thousand dollars, for the purpose of installing in said village a system of water works, a system of sanitary and storm water sewers, an electric light plant for the use of the said village, for the purpose of paving such streets in said village as the council may from time to time determine shall be paved, and making other street improvements therein, and to make such other public improvements in said village as the village council shall from time to time deem proper and necessary.

*The People of the State of Michigan enact:*

SECTION 1. The village council of the village of Morenci, in the county of Lenawee, and State of Michigan, is hereby authorized and empowered to borrow on the faith and credit of said village, a sum not to exceed the sum of one hundred thousand dollars, for a term of not less than ten nor more than thirty years, at a rate of interest not to exceed five per cent. per annum, payable annually; and to execute and issue the coupon bonds on said village therefor in such sums as the council of said village may, by a two-thirds vote of all the members elect, determine; and to provide for the payment of same, which bonds shall in no case be disposed of at less than their par value and shall be payable at such places as the council of said village shall direct.

Authority to  
borrow  
money; rate of  
interest, etc.

Issue bonds.

Payment.

Sec. 2. All moneys borrowed under the provision of this act shall be used:

Money, what  
used for.

- Sewers.** First, For the construction and establishing, for the use of said village, a system of storm water and sanitary sewers, according to plans and subject to such rules and regulations as the council may prescribe;
- Water works.** Second, For constructing and establishing, for the use of said village, a system of water works, according to plans and subject to such rules and regulations as the council may prescribe;
- Electric lighting system.** Third, For the constructing and establishing, for the use of said village, an electric light plant and system of electric lighting, according to such plans and subject to such rules and regulations as the council may prescribe;
- Paving and street improvements.** Fourth, For the purpose of paving such streets in said village as the council may from time to time determine shall be paved, and for making other street improvements therein, according to plans and subject to such rules and regulations as the council may prescribe;
- Public permanent improvements.** Fifth, For the purpose of making any public permanent improvement that the village council may deem necessary and proper, according to plans and subject to such rules and regulations as the council may prescribe.
- Submission of question to electors.** SEC. 3. The village council of said village of Morenci may, from time to time, submit to the electors of said village, a proposition to borrow money under the authority of this act and to issue bonds therefor, as herein provided, in such amounts, not exceeding at any one time or in the aggregate, the said sum of one hundred thousand dollars, as said village council may determine, which proposition may be submitted at any annual election of said village, or at a special election called for that purpose. Public notice that said proposition will be so submitted shall be given by order of the village council, signed by clerk of said village, by publishing the same in a newspaper circulated in said village once a week for at least two weeks before said election, and by posting a copy of such notice in at least three public places in said village, not less than two weeks before said election; and said notice shall state that the electors of said village will be called upon to vote upon said proposition so determined by said council; and said council is hereby authorized to call a special election at any time in its discretion, for the above named purposes and in the manner aforesaid.
- Public notice to be given.**
- Deficiency, to provide for.** SEC. 4. The said village council may submit such proposition in manner aforesaid, and in case such proposition is for a less amount than the aggregate above mentioned, the said village council may in its discretion, from time to time, submit further propositions for further loans under the authority of this act, but not to exceed in all the sum of one hundred thousand dollars.
- Vote by ballot.** SEC. 5. The vote upon any such proposition under the provisions of this act shall be by ballot, which shall be in substantially the following form:



"Vote on proposition to borrow money for (here insert for Form of ballot.  
what purpose the money borrowed is to be used as for constructing and establishing for the use of said village a system of water works). Mark or stamp a cross in the appropriate square below.

( ) On proposition to borrow money—Yes.

( ) On proposition to borrow money—No.

And such ballots shall be deposited in a separate ballot box, to be labeled "Village Loan," and such ballot shall be cast, canvassed, and the result thereof certified to in the same manner, as is provided by law, respecting ballots cast for the officers of said village.

SEC. 6. If such loan shall be authorized by a majority of Issue of bonds.  
said electors voting at such election, coupon bonds may be issued in such sums and at such times not exceeding in the aggregate the amount thereinbefore limited, and payable at the time or times not exceeding thirty years, with such rates of interest not exceeding five per cent per annum, as the said village council shall direct, and shall be signed by the president and countersigned by the clerk of said village, and sealed with the seal of said village, and negotiated by and under the direction of the village council: *Provided*, Proviso, relative to sale of bonds.  
That said bonds shall not be sold for less than par, and the money raised therefrom shall be used for the purposes aforesaid; and the said village council is hereby empowered to Assessment to meet bonds.  
raise such sum or sums of money, from time to time, as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due, by taxes upon the taxable property of said village, which taxes, so assessed, shall be in addition to all other taxes which said village is now authorized to raise, and shall be denominated in the tax assessment roll and proceedings in regard thereto as "Special Bond Tax No. 2."

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 630.]

AN ACT to authorize the city of Wyandotte, in the county of Wayne, to borrow money to be used to install a filtering system in connection with the water works plant in the city of Wyandotte, and to issue bonds therefor, and to provide for a tax to meet the same.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of Wyandotte, Borrow money, issue bonds for filtering system.  
in the county of Wayne, shall be and is hereby authorized and empowered to borrow on the faith and credit of said city, and issue bonds therefor; to an amount not exceeding

Previous,  
relative to  
electors  
voting.

twenty-five thousand dollars which shall be expended for the purpose of installing a filtering system in connection with the water works plant in said city of Wyandotte: *Provided*, That a majority of the qualified electors of said city voting at any annual charter election, or at any special election called for that purpose, after due notice required by law, shall vote therefor.

Submission to  
electors.

SEC. 2. The question of borrowing said sum of twenty-five thousand dollars and issuing the bonds of said city therefor, shall be submitted to the electors of said city at any annual charter election, or at a special election called for that purpose as hereinbefore provided. Those who favor the borrowing of said sum and issuance of said bonds shall vote a ballot with the words written or printed thereon: "For bonding the city of Wyandotte for installing a filtering system in connection with the water works—Yes," and those opposed thereto shall vote a ballot with the words written

Form of ballot.

or printed thereon: "For bonding the city of Wyandotte for the purpose of installing a filtering system in connection with the water works—No." Such ballots shall be cast,

Council to  
issue bonds,  
if vote in  
favor of.

canvassed, and the result thereof certified to in the same manner as is provided by law respecting ballots cast for the officers of said city. If a majority of such ballots so cast shall be in favor of borrowing said money, and the issuance of said bonds, the common council shall be authorized to make and issue said bonds in such sums, not exceeding the aggregate amount hereinbefore limited, and payable at such times with such rates of interest not exceeding five per cent per annum, as the common council shall direct, and shall be signed by the mayor and city clerk, and sealed with the seal of said city, and negotiated by or under the direction of said common council; and the money arising therefrom shall be appropriated in such manner as said common council shall determine, for the purpose aforesaid, and the said common council shall have power and it shall be its duty, to raise by tax upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

Power to  
raise tax.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 631.]

**AN ACT** to authorize the city of Wyandotte in the county of Wayne to borrow money to be used in improving, enlarging and extending the public lighting plant in the city of Wyandotte, and to issue bonds therefor and provide for a tax to meet the same.

*The People of the State of Michigan enact:*

**SECTION 1.** The common council of the city of Wyandotte, in the county of Wayne, shall be and is hereby authorized and empowered to borrow on the faith and credit of said city and issue bonds therefor, to an amount not exceeding twenty-one thousand dollars, which shall be expended in improving, enlarging and extending the public lighting plant in said city of Wyandotte: *Provided*, That a majority of the qualified electors of said city voting at any annual charter election, or at any special election called for that purpose, after due notice required by law, shall vote therefor.

Borrow money and issue bonds for lighting plant.

Proviso, relative to electors voting.

**SEC. 2.** The question of borrowing said sum of twenty-one thousand dollars and issuing the bonds of said city therefor, shall be submitted to the electors of said city at any annual charter election, or at a special election called for that purpose as hereinbefore provided. Those who favor the borrowing of said sum and issuance of said bonds shall vote a ballot with the words written or printed thereon: "For bonding the city of Wyandotte for improving, enlarging and extending the public lighting plant—Yes," and those opposed thereto shall vote a ballot with the words written or printed thereon: "For bonding the city of Wyandotte for improving, enlarging and extending the public lighting plant—No." Such ballots shall be cast, canvassed, and the result thereof certified to in the same manner as is provided by law respecting ballots cast for the officers of said city. If a majority of such ballots so cast shall be in favor of borrowing said money, and the issuance of said bonds, the common council shall be authorized to make and issue said bonds in such sums, not exceeding the aggregate amount hereinbefore limited, and payable at such times with such rates of interest not exceeding five per cent per annum, as the common council shall direct, and shall be signed by the mayor and city clerk, and sealed with the seal of said city, and negotiated by or under the direction of said common council; and the money arising therefrom shall be appropriated in such manner as said common council shall determine, for the purpose aforesaid, and the said common council shall have power and it shall be its duty, to raise by tax upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

Submission to electors.

Form of ballot.

Council to issue bonds if vote in favor of.

Power to raise tax.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 632.]

AN ACT authorizing the township board of the township of Plainfield, in Iosco county, to transfer two thousand dollars from the contingent fund to the general highway fund.

*The People of the State of Michigan enact:*

Authority to  
transfer  
money.

SECTION 1. The township board of the township of Plainfield, in Iosco county, is hereby authorized to transfer the sum of two thousand dollars from the contingent fund of said township to the general highway fund thereof, to be and become, after such transfer, a part of the general highway fund of the said township, and to be expended in the same manner as said highway fund is provided by law to be expended.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 633.]

AN ACT to provide for two voting precincts in the township of Newton in the county of Mackinac.

*The People of the State of Michigan enact:*

Division into  
voting pre-  
cincts.  
What to  
constitute  
precincts.

SECTION 1. The township of Newton, in the county of Mackinac, shall be divided into two voting precincts, as follows, viz.: All of township forty-three north of range eleven west, township forty-two north of range twelve west, and township forty-three north of range twelve west, shall constitute voting precinct number one and all of township forty-one north of range eleven west, township forty-two north of range eleven west, and township forty-one north of range twelve west shall constitute precinct number two.

Polling  
places,  
designation of.

SEC. 2. The polling place for the electors resident and being in the territory above described as precinct number one shall be at such place as the township board of the township of Newton shall determine, and the polling place for the electors resident and being in the territory known as precinct number two, shall be in the Simmons Town Hall, Simmons.

Boards of  
registration  
and election  
inspectors.

SEC. 3. The present officers of the township of Newton who are by law constituted the boards of registration and election inspectors shall be the first boards of registration and election inspectors for precinct number one of said township of Newton. The board of registration for the first election to be held in precinct number two of said township of

Newton shall be composed of J. S. Polly, C. Newton and William Lapine, and the first board of election inspectors in said precinct number two shall be composed of Wilson Newton, E. Ketchison, C. Leveille and L. G. Van Valkenberg.

SEC. 4. It shall be the duty of the township board of the township of Newton to supply the necessary books for registration and election and the necessary blanks for the return thereof, to be used in precinct number two.

Books for  
registration  
and election  
and blanks.

SEC. 5. The conduct of the elections in the precincts here- in provided for shall be conducted in accordance with the provisions of the general laws for the conduct of elections, and the canvass and return of votes shall be in accordance with the law governing the canvass and return of votes in townships having more than one precinct.

Conduct of  
elections.

This act is ordered to take immediate effect.

Approved June 12, 1907.

[No. 634.]

AN ACT to amend sections two, nineteen and twenty-six of chapter four, and sections nine, ten, eleven, twelve and twenty of chapter ten and section forty-four of chapter eleven of an act, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, and to add to said chapter ten of said act a new section to stand as section twenty-two.

*The People of the State of Michigan enact:*

SECTION 1. Sections two, nineteen and twenty-six of chapter four, and sections nine, ten, eleven, twelve and twenty of chapter ten, and section forty-four of chapter eleven of an act, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, are hereby amended and that there be added thereto a new section to stand as section twenty-two of chapter ten to read as follows:

Sections  
amended and  
added.

#### CHAPTER IV.

SEC. 2. There shall be appointed by the common council, on the nomination of the mayor, a controller, who shall hold his office for a term of three years, beginning on the first day of July. The common council shall also appoint such other officers as are provided by this act to be appointed of.

Controller,  
appointment  
of.

Other officers,  
appointment  
of.

Deputy  
controller.

Duties.

Deputy city  
clerk, appoint-  
ment, duties,  
etc.

Deputy city  
treasurer,  
appointment,  
duties, etc.

Failure of  
mayor to  
appoint any  
officer.

Proviso.

Removal of  
officer from  
office.

by them on the nomination of the mayor, and also such members of the respective boards and commissions of said city as is directed by the several acts providing for said boards and said commissions. The city controller shall appoint a deputy controller, who shall file an official bond, in such sum and with such sureties as the common council may direct and approve, before entering upon the duties of his office. Such deputy shall assist the controller in the performance of the duties of his office and in case of the inability of the controller to perform his duties by reason of sickness, absence from the city or other sufficient cause, or in case of vacancy in the office of controller he shall be vested with all the powers and perform all the duties of controller until the disability of the controller shall cease, or in case of vacancy until the vacancy be filled. The city clerk shall appoint a deputy city clerk, who shall file an official bond before entering upon the duties of his office in such penal sum as the common council may direct; and with sureties approved by them and shall, in the absence or inability of the city clerk, be vested with all the powers, and perform the duties of the clerk; and in case of vacancy in the office of city clerk the deputy city clerk shall continue to perform the duties of the office of city clerk until the next regular election, when the vacancy may be filled. The city treasurer shall appoint a deputy city treasurer, who shall assist him in the performance of the duties of his office, and who shall, in the absence or inability of the city treasurer, be vested with all the powers and perform all the duties of city treasurer, and who shall file an official bond in such penal sum as the council may direct, and with sureties to be approved by them, and in case of the death or removal of the city treasurer, or vacancy from other cause, the deputy city treasurer shall perform the duties of the office of city treasurer until the next regular election, when the vacancy shall be filled. If the mayor shall fail to nominate or appoint any officer, or the member of any board or commission, the appointment or nomination of whom is vested in the mayor, within fifteen days after the expiration of the term of office or after a vacancy shall occur, the common council shall appoint such officer or member of such board or commission: *Provided*, That if the mayor shall make a nomination within said fifteen days, and the council reject the same, he may make another nomination or nominations, but not more than fifteen days shall elapse between such rejection and new nomination. Any vacancy existing at the time this act shall take effect shall be filled by the common council.

SEC. 19. Any officer holding by appointment, unless otherwise provided by law or ordinance, may be removed at any time by the common council, without charges, and a trial thereof, by a vote of the majority of the members elect, except the controller and superintendent of the house of cor-

rection, who may be removed for the same causes and on the same proceedings as a member of the common council.

SEC. 26. The controller, treasurer, clerk, attorney, superintendent of the house of correction, clerk of the market and such other officers as the common council may direct, shall, respectively, before they enter upon the duties of their respective offices, file in the clerk's office an official bond, in such sum and with such sureties as the common council shall direct and approve.

Bonds,  
certain officers  
to furnish.

## CHAPTER X.

SEC. 9. After the assessment rolls shall have been fully and finally confirmed, as provided in the preceding section, it shall be the duty of the board of assessors to cause the amount of all taxes, in dollars and cents, authorized to be assessed and collected in each year, to be ratably assessed to each person named or lots described, upon and according to the aggregate valuation such person or lots shall have been assessed in said assessment rolls, or books prepared for that purpose to be known as the tax rolls for each ward, a column showing the amount of city taxes assessed to each person or lots in each year; when said tax rolls shall have been completed, the board shall deliver the same to the controller, who shall cause the same to be delivered to the city treasurer, and take his receipt therefor and charge him therewith. All city taxes shall become a debt against the owner from the time of the listing of property for assessment by the board of assessors, and shall become due and payable forthwith upon the receipt of the tax roll by the city treasurer, and the city treasurer shall forthwith, upon the reception of said rolls, give six days' notice by publication in the official daily paper published in said city, and by posting the same in at least six public places in each ward, which notice shall be a sufficient demand for the payment of all taxes on said rolls, that the general tax rolls have been deposited with him, and that payment of the taxes therein specified may be made to him at any time before the thirteenth day of December thereafter; that no addition will be made to taxes paid before the first day of August, but that an addition of one per cent of every unpaid tax will be made thereto on that day, and a like addition of one per cent on every thirtieth day thereafter until such addition shall amount to six per cent of such tax: *Provided, however,* That when a person shall, on or about the twenty-fifth day of July, hand to the city treasurer a list of the property on which he wished to pay the taxes, and shall be unable to pay said taxes before the first day of August on account of a pressure of business in the treasurer's office, then he shall not be charged any percentage if he pay said taxes by the tenth day of August. Upon the receipt of any tax the treasurer shall mark the same

Ratable  
assessment  
of property,  
by board of  
assessors.

City taxes,  
debt against  
owner.

Unpaid taxes,  
addition of  
interest to.

Proviso.

Undivided  
interests,  
payment of  
tax on.

Lien on  
property,  
payment of  
taxes, when  
one holds.  
Interest,  
treasurer to  
add.

Notice of  
unpaid taxes,  
publication of.

Board of  
assessors to  
copy unpaid  
tax roll.

Unpaid taxes,  
collection of.

Sale at auction  
of delinquent  
tax land.

Prosecution  
for non-pay-  
ment of taxes.

paid upon the proper roll and give a receipt therefor. Any person owning an undivided share, or other part or parcel of real property assessed in one description, may pay on the part thus owned by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall accurately describe the part on which he makes payment, and the receipt given and the record of the treasurer shall show such description and by whom paid. Any person having a lien on property may pay the taxes thereon, and the same may be added to his lien, and recovered with the rate of interest borne by the lien. On the first day of January following the time when any tax shall become due and payable, the treasurer shall add to every such tax six per cent of the amount of the tax and of such addition, as are hereinbefore specified, shall thenceforth be the unpaid tax, and shall bear interest from that day at the rate of ten per cent per annum until paid, except as herein otherwise provided. On or before the fifteenth day of January the treasurer shall add to the tax rolls of the unpaid taxes of each ward an additional column, which shall show the augmented amount of every such tax. Immediately after completing such roll he shall cause a notice to be published in five successive numbers of at least two daily newspapers published in said city, stating that said roll of unpaid taxes has been made and that it will remain in his office, where such taxes may be paid until the first day of February following, after which the property against which such taxes are assessed shall be advertised and sold as hereinafter provided. It shall be the duty of the board of assessors to make copies of said rolls as finally confirmed by the common council, upon which they shall ratably assess the county and State taxes, as provided by the general laws of the State.

SEC. 10. On and after the first day of August, in each year, and at any time until the taxes mentioned in this section are paid, it shall be the duty of the city treasurer and the clerks or subordinates in his office, designated by him for that purpose, to collect all unpaid taxes which are assessed against any property or value other than real estate, and if necessary the said treasurer and said clerks or subordinates, under the direction and in the name of the treasurer, shall have power to levy upon and sell at public auction the personal property of any person refusing or neglecting to pay such tax. Six days' notice of any such sale shall be given by the treasurer, by publication in the official newspaper of said city, and any surplus remaining after the payment of said taxes and percentage, and the expense of sale shall be paid over to the owner of such property or other person entitled to receive the same; and the said treasurer shall have power in the name of the city of Detroit to prosecute any person refusing or neglecting to pay such taxes or any special assessment, by a suit in the circuit court for the



county of Wayne, and he shall have, use and take all lawful ways and means provided by law for the collecting of debts, to enforce the payment of any such tax or any special assessment; and the said tax roll shall be prima facie evidence of the indebtedness by such person and the regularity of the proceedings by which such tax or assessment was assessed and levied. All city taxes upon personal property shall be and remain a lien thereon until paid, and no transfer of the personal property assessed shall operate to divest or destroy such lien. All city taxes upon personal property and real estate and special assessment thereon in addition to being a lien upon the property assessed, shall be and remain a debt against the owner of the property or his estate after his death, until the same are paid and such debt shall be unaffected by any statute of limitations. And in all suits against the estate of such owner all persons having knowledge of the non-payment of said taxes shall be permitted to testify before any court or commission having jurisdiction of the matter. No mortgage or conveyance of real estate or contract for the sale of any real estate shall be received or recorded by the register of deeds for the county of Wayne, unless all city taxes or special assessments on the property described in such mortgage, contract or conveyance shall have been paid, nor unless the address of the grantee, mortgagee, or vendee shall be endorsed thereon. It shall be the duty of the city treasurer, upon request, to furnish a certificate that such taxes have been paid, and said certificate shall be filed with said register at the time of the delivery to him of such conveyance, mortgage or contract, for record. Immediately upon the recording of any such conveyance, mortgage, or contract, the register of deeds shall deliver such instrument to the chief clerk of the board of assessors, who shall thereupon note upon the books of said board the change of ownership, with the address of the grantee, mortgagee or vendee therein.

Sec. 11. The owners or occupants, or parties in interest to any real estate assessed under this chapter, shall be liable to pay every such tax or assessment, and if the same shall not be paid by the first day of February following, or any part thereon, it shall be lawful for the city treasurer to cause a notice to be published in the official daily newspaper for the city, once a week for four successive weeks, and posted in three or more public places in each ward, requiring the owners or occupants of, or parties interested in such lands, tenements, hereditaments or premises, to pay such assessment or tax, and that if default be made in making such payment, such real estate shall be sold at public auction, at a day and place to be specified in said notice, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing and paying such assessment or tax, with the additions provided in this act, and the cost and expense of advertising. The common council in its discretion may cause said notice, or any part thereof, to be

Prima facie evidence.

Taxes to be lien.

Taxes to be debt against owner or estate.

Mortgage or conveyance not to be recorded until taxes paid.

Certificate of payment.

Recording of conveyances, mortgages, etc.

Liability for payment of tax; publication of notice of non-payment.

Proviso,  
publication in  
foreign  
languages.

published in a German newspaper in said city: *Provided*, That all publications in languages other than English shall not exceed the sum of twenty-five hundred dollars per annum, now authorized by the charter of the city of Detroit.

Sale of unpaid  
tax land at  
public auction.

SEC. 12. If the owner or occupant of, or parties in interest in such real estate, do not pay such assessment or tax, with costs, additions and charges, within the period above prescribed for the publication of said notice, then the said treasurer shall have the power, without any further notice, to cause such real estate to be sold at public auction, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing such assessment or tax, with the costs, additions and charges, and to direct the execution of a proper certificate of such sale to the purchaser thereof: *Provided*, If any lot or parcel of land so offered for sale shall have been previously sold for taxes assessed thereon in previous years and the same shall have been bid in at such previous sale or sales by the controller for the city, the purchaser shall be required to pay to the city treasurer the amount of all previous bids, together with interest thereon from the time of such previous sales at the rate of ten per cent per annum, and if such real estate shall not be redeemed within one year after such sale thereof, as hereinbefore provided, the controller shall, in the name of the city of Detroit, execute and deliver to such purchaser or his assignee, a proper deed for the conveyance of such real estate for the term for which the same was sold; which deed shall be prima facie evidence of the regularity of all the proceedings under which the sale was made and said deed executed up to the date of such deed. Any person who, under such deed, may enter into such real estate and erect or place any building or other property thereon, shall have the right at the expiration of said term, or in case he shall be ousted before the expiration of such term by any person claiming adversely to said deed, then, within three months after trial, judgment or ouster or ejectment, to remove said buildings or property from said real estate. And in all sales of lands for taxes aforesaid, if the purchaser or his assignee shall die before a deed or other conveyance shall be executed on such sale, the deed may be executed by the controller to and in the name of the purchaser or assigns, who, if living, would be entitled to a deed or conveyance, which deed or conveyance shall vest the title in the heirs or devisees of such deceased person, in the same manner, and liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death, or the executor or administrator may assign the certificate of purchase, and the deed of conveyance may issue to the assignee thereof; and in like cases, which have heretofore occurred, the same rule shall apply, and all deeds and conveyances heretofore issued in the name of any deceased person, who, if living at the time of the execution thereof, would

Proviso  
relative to  
previous sale  
for taxes,  
redemption,  
deed of  
conveyance,  
etc.

Buildings  
erected on  
land sold for  
taxes, right to  
remove.

Death of  
purchaser of  
lands; ex-  
ecution of  
deed.

have been entitled thereto, shall have like effect as above provided.

SEC. 20. Assessment rolls to defray the expenses of constructing lateral sewers, side and cross-walks, paving, grading, macadamizing, graveling or otherwise improving streets, lanes or alleys, or for defraying the expense of any local improvements properly payable from the proceeds of special assessment, shall be placed in the hands of the city treasurer for payment, as may be provided by ordinance or resolution of the common council, for the space of thirty days, after which warrants for the collection of the same may be issued, and such proceedings for the collection thereof be had as are or shall be prescribed by law, or by any ordinance or resolution of the common council, and sales of any real or personal estate for any unpaid assessment shall be made in like manner, and with like effect, as in case of sales for the non-payment of the general tax.

Special assessments, regulation and collection of.

SEC. 22. The receiver of taxes in office at the time this act shall take effect shall retain his office and continue to perform the duties, and shall have the authority specified in sections nine, ten and twenty of this chapter, until the first day of July, nineteen hundred seven, when he shall deliver to the city treasurer all moneys, books and papers belonging or appertaining to the office of the receiver of taxes, which may be in his possession or under his control.

Moneys, books, etc., delivery to city treasurer.

## CHAPTER XI.

SEC. 44. The assessment roll provided for in section thirty-seven of this chapter shall be made by the board of assessors in four parts, each part to contain a list of the lots or parcels mentioned in said section, with the name of the owners or occupants of each lot or parcel, and one-quarter of the assessment for the cost and expense of the work shall be assessed upon each lot or parcel. Such parts of the assessment roll shall be numbered one, two, three and four respectively. After said assessment shall have been confirmed, and the roll delivered to the city treasurer, he shall cause a notice of said assessment to be printed in two of the newspapers published in said city once in each week for three successive weeks, and part one of said assessment shall become due and payable in thirty days from the first publication of said notice, and parts two, three and four shall become due and payable in one, two and three years, respectively, from the date of said first publication. Any person may pay the amount of the assessment in parts one, two, three and four, or either of them, at any time, within thirty days from said date of said publication without interest, but if the same shall not be paid within said thirty days, then the said parts remaining shall be payable with interest, at the rate of seven per cent from the date of confirmation of said assessment,

Assessment roll, made in parts, form of.

Payment of parts, notice of.

Time of payment.

Penalty for  
non-payment.

Assessment  
for damages  
or property  
taken for  
public use.

Asphalt  
pavements,  
contracting  
for repair of.

Payment of  
repair work.

until the same shall be paid. If the amount mentioned in part one shall not be paid within said thirty days, a penalty of five per cent in addition to the interest shall be added thereto, and a like penalty of five per cent in addition to said interest, shall be added to each of the other parts if not paid when the same shall become due as aforesaid. Assessment rolls made under the laws of this State for assessments to defray the expense of the taking of any property or damages to any property taken for the public use, for the opening and extending of highways, or for other public purposes or for damages to any property occasioned by any public improvement of any kind, shall be made in one or more parts as the common council may direct, and shall become due and payable at such time as the common council shall, by resolution, provide, and like interest shall be added thereto and like penalties in case of non-payment shall be imposed and added thereto in the same manner as is herein provided for assessments for street paving, and such interest and penalties shall be payable and be collected with the part or parts to which the same may be added. Assessments heretofore made shall be collected as provided by the law in force at the time of the enactment hereof. The interest and penalties herein provided to be paid shall be credited to the fund for which the assessment is made. The board of public works may, with the approval of the common council, contract with the lowest responsible bidder for a period of not exceeding five years for the repairing and care of the asphalt pavements, according to specifications adopted by said board for that purpose, and in all contracts for paving may provide that the contractor shall keep the pavement in good repair for such period as may be specified in the contract. Contracts for repaving may be made at any time after the common council and the board of estimates have determined the amount of money which shall be raised for the next fiscal year; such work to be paid for from the tax for the repaving fund of the next fiscal year or from moneys which may be borrowed in anticipation of the collection of such tax.

This act is ordered to take immediate effect.

Approved June 14, 1907.

## [No. 635.]

AN ACT to authorize justices of the peace of the townships of Hanover, Wexford, Springville and Antioch in the county of Wexford, to hold court and try civil or criminal cases anywhere within the village limits of the village of Sherman, Wexford county, Michigan.

*The People of the State of Michigan enact:*

SECTION 1. Justices of the peace, elected in the townships of Hanover, Wexford, Springville and Antioch in the county of Wexford, and duly qualified according to law, may hold court and try any cause, civil or criminal, cognizable by justices of the peace, anywhere within the village limits of the village of Sherman in said county of Wexford, and all such acts of such justices of the peace shall be as valid as though they were done in the township in which they were elected and qualified.

Justices of peace, to try certain cases in certain places.

Approved June 17, 1907.

## [No. 636.]

AN ACT to amend act number five hundred fourteen of the local acts of nineteen hundred three, entitled "An act to annex the territory embraced within the city of West Bay City, to that of Bay City, and to consolidate the city of West Bay City with the city of Bay City under the name of Bay City; to specify and fix the boundaries of the city; to consolidate the school system and the library systems of the said cities of West Bay City and Bay City; to provide for the assuming and payment of all indebtedness and liabilities of the present cities of Bay City and West Bay City, and their school and library systems and to provide for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Bay City and to repeal all acts and parts of acts inconsistent herewith," approved June eight, nineteen hundred three; by repealing sections fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, two hundred twenty-two, two hundred twenty-three, two hundred seventy-three, two hundred seventy-four, and by amending sections one, three, five, six, seven, nine, eighteen, twenty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-four, forty-five, fifty-two, fifty-three, fifty-nine, sixty, sixty-four, sixty-eight, sixty-nine, seventy, seventy-eight, seventy-nine, eighty, eighty-one, eighty-three, eighty-five, ninety-nine, one hun-

dred, one hundred one, one hundred five, one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred eighteen, one hundred twenty, one hundred twenty-five, one hundred twenty-six, one hundred thirty-three, one hundred thirty-four, one hundred thirty-nine, one hundred forty, one hundred forty-three, one hundred forty-four, one hundred forty-six, one hundred forty-seven, one hundred forty-eight, one hundred fifty-one, one hundred fifty-two, one hundred fifty-three, one hundred fifty-four, one hundred sixty-one, one hundred sixty-three, one hundred eighty-five, one hundred eighty-nine, one hundred ninety-six, two hundred four, two hundred twenty-four, two hundred forty-one, two hundred sixty-one, two hundred sixty-two, two hundred sixty-three, two hundred sixty-four, two hundred sixty-six, two hundred sixty-seven, two hundred sixty-eight, two hundred sixty-nine, two hundred seventy, two hundred seventy-one, two hundred seventy-two, and by adding thereto certain sections to be known as sections three a, forty-one a, forty-one b, forty-one c, forty-one d, forty-one e, eighty-two, eighty-two a, ninety-four and chapter thirteen a, including sections one hundred sixty-five a, one hundred sixty-five b, one hundred sixty-five c, one hundred sixty-five d, and to repeal all acts or parts of acts in conflict therewith.

*The People of the State of Michigan enact:*

Sections  
repealed.

SECTION 1. Sections fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, two hundred twenty-two, two hundred twenty-three, two hundred seventy-three and two hundred seventy-four of act number five hundred fourteen of the local acts of nineteen hundred three, entitled "An act to annex the territory embraced within the city of West Bay City to that of Bay City, and to consolidate the city of West Bay City with the city of Bay City under the name of Bay City; to specify and fix the boundaries of the city; to consolidate the school system and the library systems of the said cities of West Bay City and Bay City; to provide for the assuming and payment of all the indebtedness and liabilities of the present cities of Bay City and West Bay City, and their school and library systems, and to provide for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Bay City, and to repeal all acts and parts of acts inconsistent herewith," approved June eight, nineteen hundred three, are hereby repealed; certain sections to be known as sections three

Sections added.

a, forty-one a, forty-one b, forty-one c, forty-one d, forty-one e, eighty-two, eighty-two a, ninety-four, and chapter thirteen a, including sections one hundred sixty-five a, one hundred sixty-five b, one hundred sixty-five c, and one hundred sixty-five d are hereby added to and made a part of said act number five hundred fourteen of the local acts of nineteen hundred three, entitled "An act to annex the territory em-

braced within the city of West Bay City to that of Bay City, and to consolidate the city of West Bay City with the city of Bay City under the name of Bay City; to specify and fix the boundaries of the city; to consolidate the school system and the library systems of the said cities of West Bay City and Bay City; to provide for the assuming and payment of all the indebtedness and liabilities of the present cities of Bay City and West Bay City, and their school and library systems and to provide for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Bay City, and to repeal all acts and parts of acts inconsistent herewith," approved June eight, nineteen hundred three; and sections one, three, five, six, seven, nine, eighteen, twenty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-four, forty-five, fifty-two, fifty-three, fifty-nine, sixty, sixty-four, sixty-eight, sixty-nine, seventy, seventy-eight, seventy-nine, eighty, eighty-one, eighty-three, eighty-five, ninety-nine, one hundred, one hundred one, one hundred five, one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred eighteen, one hundred twenty, one hundred twenty-five, one hundred twenty-six, one hundred thirty-three, one hundred thirty-four, one hundred thirty-nine, one hundred forty, one hundred forty-three, one hundred forty-four, one hundred forty-six, one hundred forty-seven, one hundred forty-eight, one hundred fifty-one, one hundred fifty-two, one hundred fifty-three, one hundred fifty-four, one hundred sixty-one, one hundred sixty-three, one hundred eighty-five, one hundred eighty-nine, one hundred ninety-six, two hundred four, two hundred twenty-four, two hundred forty-one, two hundred sixty-one, two hundred sixty-two, two hundred sixty-three, two hundred sixty-four, two hundred sixty-six, two hundred sixty-seven, two hundred sixty-eight, two hundred sixty-nine, two hundred seventy, two hundred seventy-one, two hundred seventy-two of said act number five hundred fourteen of the local acts of nineteen hundred three, entitled "An act to annex the territory embraced within the city of West Bay City to that of Bay City, and to consolidate the city of West Bay City with the city of Bay City under the name of Bay City, to specify and fix the boundaries of the city, to consolidate the school system and the library systems of the said cities of West Bay City and Bay City, to provide for the assuming and payment of all the indebtedness and liability of the present cities of Bay City and West Bay City, and their school and library systems, and to provide for the ownership of all the corporate property and rights, to define the corporate rights, powers and privileges of said city of Bay City, and to repeal all acts and parts of acts inconsistent herewith," approved June eight, nineteen hundred three, are hereby amended to read as follows:

Sections  
amended.

## CHAPTER I.

## INCORPORATION AND LIMITS.

Boundaries  
described.

SECTION 1. All the district of the country in the county of Bay and State of Michigan, embraced within the following described limits is herewith constituted and declared a city by the name of Bay City; said district of country being included within the following limits, to wit: Beginning at a point in the center line of the Saginaw river, where the same intersects the section line between sections fourteen and fifteen, town fourteen north, range five east; running thence southerly on the line between said sections fourteen and fifteen and sections twenty-two and twenty-three, to the south line of Filmore Place, according to Carroll Park plat; thence easterly along the south line of said Filmore Place, if extended, about sixteen hundred feet to the east line of a tract of land owned by the Bay County Agricultural Society; thence southerly on said east line of said agricultural society's land produced to the section line between sections twenty-three and twenty-six in town fourteen north, range five east; thence westerly on said section line to the northeast corner of section twenty-seven, town fourteen north, range five east; thence southerly along the east line of said section twenty-seven, to the intersection of same with the center line of the Ridge road, so called; thence southeasterly along the center line of said Ridge road to the intersection of same with the east side line of St. Patrick's cemetery, if said line was produced northerly; thence southerly along said east line of said property known as St. Patrick's cemetery to the intersection of same, if extended, with the east and west quarter line of the aforesaid section twenty-six; thence westerly along said east and west quarter line of said section twenty-six to the east side line of section twenty-seven in said town; thence southerly along the east line of said section twenty-seven to a point where same intersects the center line of Fifteenth street, produced; thence westerly along the center line of said Fifteenth street to the intersection of said Fifteenth street with the center line of Johnson street; thence southerly along the center line of Johnson street to the intersection of same with the center line of Twenty-second street; thence westerly along the center line of Twenty-second street to the west side line of section thirty-four in said town, and thence southerly along said section line to the southwest corner of said section thirty-four; thence westerly along the section line between section thirty-four and section four to the quarter line of said section four in town thirteen north, range five east; thence southerly along said quarter line through said section four to the intersection of same with the southerly line of the Bullock road, so-called; thence northwesterly along the southerly line of said



**Bullock road to the intersection of same with the easterly line of McCormick street, so-called, in John W. McGraw and Company's first addition to Bay City, according to the recorded plat thereof; thence southerly along said easterly line of McCormick street to the intersection of same with the southerly line of Forty-first street in said addition; thence westerly along the southerly line of said Forty-first street to the intersection of same with the westerly line of Harrison street; thence northerly along the westerly line of Harrison street to the intersection of same with the center line of McGraw avenue; thence westerly along the center line of McGraw avenue, if produced, to the center line of the Saginaw river; thence northerly along the center line of the Saginaw river to a point where said center line intersects the south line of section thirty-two in town thirteen north, range five east; thence west along the south line of said section thirty-two to a point twenty-five feet east of the southwest corner of said section thirty-two; thence north parallel to the west line of sections thirty-two, twenty-nine and twenty, town fourteen aforesaid, to a point twenty-five feet east of the northwest corner of said section twenty; thence east along the north line of said section twenty to the quarter post therein; thence north along the quarter line extending through section seventeen, town fourteen aforesaid, to the north line of said section seventeen; thence east along the north line of sections seventeen, sixteen and fifteen, to the northeast corner of said section fifteen, town fourteen north, range five east; thence south along the section line between sections fourteen and fifteen to the southeast corner of the northeast quarter of the northeast quarter of said section fifteen; thence west along the north sub-quarter line of said section fifteen to the north and south quarter line in said section; thence south along said quarter section line to the center line of the highway known as Prairie avenue, if extended, according to the plat of the Riverside Park subdivision; thence southerly along the center line of said Prairie avenue to a point where the same intersects the center line of Roy street; thence southerly along the center line of Roy street, about seven hundred four feet to the south line of Martin street; thence south thirteen degrees, fifteen minutes east to the center line of said Saginaw river; thence down stream along the center line of said Saginaw river to the place of beginning.**

**SEC. 3a.** All that territory now included in the eighth ward in said city is hereby divided into two wards to be known as the eighth ward and the eighteenth ward, as follows:

**Eighth.** From and after the first Monday in June, nineteen hundred seven, the following territory shall constitute the eighth ward of Bay City, to wit: All that portion of the city bounded as follows: Beginning at the corner of sections twenty-seven, twenty-eight, thirty-three and thirty-four, running thence west on said section line along the center line of Twenty-second street to the center line of Michigan avenue;

Division of the eighth ward.

Eighth.

thence north along said center line to the center line of Twenty-third street (Lafayette street); thence west along said center line to the center line of the right of way of the Pere Marquette Railroad Company; thence north along said center line, being the center of South Jefferson street, to the center line of Fifteenth street; thence east along said center line to the center line of Lincoln avenue; thence north along said center line to the center line of Twelfth street (Columbus avenue); thence east along said center line to the center line of Tuscola road, so-called; thence southerly along said center line to the city limits; thence west and south and west along said city limits, to the place of beginning.

Eighteenth.

Eighteenth. From and after the first Monday in June, nineteen hundred seven, the following described territory shall constitute the eighteenth ward of Bay City, to wit: All that portion of the city bounded on the north by the south line of the eighth ward and on the east and south by the city limits, and on the west by the center line of the Pere Marquette Railroad Company's right of way. Augustus Elias shall continue as alderman and Anthony S. Wyrbeski as supervisor of the eighth ward in said city, during the terms for which they were elected, and on or before the second Monday in June, nineteen hundred seven, the common council shall appoint from the electors of the eighth ward, one alderman and one constable thereof, until the annual election of nineteen hundred eight. Thomas Glinlecki shall be and continue alderman and William H. Small constable of the eighteenth ward, during the terms for which they were elected for alderman and constable respectively, of the eighth ward of Bay City, and on or before the second Monday of June, nineteen hundred seven, the common council shall appoint from the electors of said eighteenth ward one alderman and one supervisor thereof, until the annual election of nineteen hundred eight.

Annual election, when held.

Officers elected at annual election, term of office.

SEC. 4. The first annual election under this act shall be held on the first Monday in April of the year nineteen hundred five, and thereafter the annual election under this act shall be held on the first Monday in April of each year. All elections under this act shall be held in such places in each ward and voting precinct as the council may designate. The following officers of Bay City shall be elected at the annual city election held on the first Monday in April, nineteen hundred seven, by the qualified voters of the whole city, voting in their respective wards and election districts on a general ticket, viz.: One mayor, one recorder, one treasurer, and at the annual election held on the first Monday in April in the year nineteen hundred nine, there shall be elected one comptroller. The following officers of the corporation shall be elected at the annual election held on the first Monday in April, nineteen hundred seven, on a ward ticket in each ward, by the qualified voters thereof, viz.: One alderman, one supervisor, one constable, each for a term of two years, and at the annual city election held on the first Monday in April, nine-

teen hundred eight, the following officers of the corporation shall be elected on a ward ticket in each ward by the qualified voters thereof, viz.: One alderman for a term of two years. Thereafter the following shall be the term of office of the several officers, each of whom shall hold his office until his successor is elected and qualified, viz.: Mayor, two years; treasurer, two years; recorder, two years; comptroller, two years; justices of the peace, four years; aldermen, two years; supervisors, two years; constables, two years; thereafter, there shall be elected at each annual election the officers hereinbefore mentioned, whose terms of office shall expire at the time of such election, pursuant to the foregoing provisions of this section.

SEC. 5. The present justices of the peace of the cities of Bay City and West Bay City shall continue to hold their respective offices and perform the duties thereof, until the expiration of their respective terms; at the annual city election under this act in the year nineteen hundred five, and at every such election thereafter, there shall be elected one justice of the peace. The justices of the peace of said city shall have the same jurisdiction and power, perform the same duties and be subject to the same liabilities as justices of the peace of townships in this State, except as herein otherwise provided, and in all civil suits and proceedings whatsoever, they shall have original concurrent jurisdiction of actions upon contract express or implied, wherein the debt or damages do not exceed the sum of five hundred dollars, when either of the parties to the proceeding in such civil suit shall reside within the limits of the county of Bay. At the annual election in April, nineteen hundred five, and every two years thereafter, there shall be elected as aforesaid, one mayor, one treasurer and one city recorder; and at the annual election in April, nineteen hundred nine, and every two years thereafter, there shall be elected one comptroller. Each of the supervisors elected as aforesaid shall be a supervisor of the ward for which he was elected, with all the powers of supervisors of townships in this State, and subject in all respects to the provisions of the law regulating the duties of township supervisors, except as herein otherwise provided. No person shall be eligible for election to or hold the office of mayor who is holding any judicial office, or who is holding any city or county office for which a stipulated salary is paid or received. The treasurer shall not be eligible for election for more than two consecutive terms from and after the passage of this act. No person shall be eligible to any elective office who is not an elector of said city, and no person shall be eligible to any ward office who is not an elector of said ward.

Election of  
justices.

Jurisdiction,  
etc., of.

Certain  
officers,  
when elected.

Powers and  
duties of  
supervisors.

Eligibility to  
office.

SEC. 6. Notice of election under this act shall be given by the recorder at least eight days before the election, by publishing the same in the official newspaper of the city.

Notice of  
election.

Inspectors of election, who to be.	The aldermen and supervisors of each ward, together with a clerk to be appointed by the council, to constitute a board of four inspectors, shall be inspectors of all elections, general, special or charter elections, held in Bay City pursuant to the provisions of this act, or the laws of this State. In case any such supervisor or alderman is a candidate for election to office, or is otherwise disqualified to act as such inspector, the council shall, by a majority vote of all the aldermen elect, appoint inspectors qualified to act in their stead, and in case of a vacancy on the board of election inspectors, the electors present may choose, viva voce, from their number at the poll, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath of office by either of said inspectors, or any person qualified to administer oaths.
Vacancy, how filled.	The manner of conducting all elections and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as that provided by the general laws of this State, except as herein otherwise provided, except that the polls shall be open from seven o'clock in the forenoon until seven o'clock in the afternoon: <i>Provided</i> , That at such charter elections, the said inspectors shall make one certificate of the number of votes given each person for the several offices to be filled in and for said city, and also one certificate of the number of votes given for each person for their respective ward offices and of the officers elected in their respective wards, which certificate shall be immediately filed in the office of the recorder in said city.
Elections, how conducted.	
Proviso as to charter elections.	
When council to determine result.	SEC. 7. Upon the Thursday next following any annual city election, except that of nineteen hundred five, the council shall meet at the council chamber and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city and ward offices; and it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected, of their election, and each of said officers so elected and notified shall, within twenty days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office: <i>Provided</i> , That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof and cause it to be delivered to the county clerk, in the same manner as is required of the township clerks; and in case two or more shall receive, for the same office, an equal number and not a plurality of votes given at such election, the council shall immediately proceed to determine by lot between the persons receiving the highest number of votes, which shall be considered elected to such office. In case any of the officers elected shall neglect, for the term of twenty days, to qualify as aforesaid, the office shall thereby become vacant. In case of a vacancy in any elective office of the city, occasioned by death, resignation,
Recorder to notify persons elected.	
When to take oath of office.	
Proviso as to justices.	
Vacancy, how filled.	

failure to qualify or any other cause, shall be filled by appointment by the common council, which appointment shall continue until the next annual city election, at which time such office shall be filled by election.

SEC. 9. The aldermen of the city, when regularly organized, shall constitute the board of registration and in case of a ward having two precincts, or there being any vacancy on said board, the chairman of said board shall appoint a sufficient number of the city supervisors to act with such board to provide one member of said board for each voting precinct. Said board shall convene and meet for the registration of electors on the third Wednesday preceding any general, fall, city or special election, and shall give notice of such meeting by publishing same in the official paper of the city, and posting ten copies thereof in each ward at least ten days prior to the date of said meeting. Said board of registration, so constituted as aforesaid, shall be in session at such places in the several wards as they shall designate in such notices, from ten o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the list of qualified voters, during which session it shall be the right of each and every person then actually residing in the ward, and who, at the next approaching election, may be a qualified elector and whose name is not already registered, to have his name entered in the register, which shall be done in the same manner, and such boards and each member thereof, and each applicant for registration is hereby vested and charged with the same rights, powers, duties and penal liabilities touching the examination of applicants as is required by the general election law, for the registration of qualified voters in cities. The board of registration shall meet on the first Monday and Tuesday of October in the year nineteen hundred eight, and make a register of all qualified voters of each ward of said city in proper books, showing the particular and exact residence of each voter in said city, and the same rules and requirements shall be observed in such registration, in all respects, as are required by law for the registration of qualified electors in cities, and a like registration shall be made every four years thereafter. When any such re-registration shall be completed, the former registry of electors in such wards shall henceforth be deemed invalid, and no person shall vote at any public election in said city after such re-registration, whose name shall not be registered anew, as provided by this section, or be afterwards properly entered on such new register, according to the provisions of law for the registration of electors. The notice of the meeting or session of the board of registration at which any re-registration is to be made, in the manner hereinbefore described, and in addition to all other matters required by law to be therein stated, shall set forth that a re-registry is to be made, and that no elector whose name shall not be registered in such new register will be permitted to vote at the ensuing election.

Board of  
registration,  
who to  
constitute.

When  
registration  
to be made.

When all  
qualified  
voters to  
register.

Notice of re-  
registration.

Until said registration is made in the year nineteen hundred eight, the present registry of electors in said city, as corrected and completed according to law, shall be deemed valid and shall be used at all intervening elections.

Council may  
appoint  
certain officers.

Proviso as to  
tie vote.

Removal of  
certain officers.

SEC. 18. The council shall have power to appoint a city attorney, street commissioner, a city engineer, and such other officers whose election is not especially provided for in this charter, as it may deem necessary to carry into effect the powers in said charter contained: *Provided*, That in case of a tie vote by the council on a vote of all the aldermen elect in any of such appointments, the mayor shall have a right to vote. Any person appointed to any office or position, whether upon the nomination of the mayor or otherwise, may be removed therefrom by the council upon a vote of two-thirds of all the members elect voting therefor. Any person holding office by election, except police justice and justices of the peace, may be removed therefrom by the council for corrupt or wilful malfeasance or misfeasance in office, or for wilful neglect of the duties of his office, or for any violation of any of the ordinances of the council, by a two-thirds vote of all the aldermen elect. It shall be deemed sufficient cause for removal or dismissal, in the manner aforesaid, from his office or position of any elected or appointed officer, agent or employe, when he shall refuse and neglect to pay or secure payment of any just debt or obligation contracted during his term of office or employment, when the city shall be made a garnishee defendant, to obtain payment therefor, by the creditor thereof. In every case, the reason for removal shall be entered in the records of the council, with the names and the votes of the members voting on the question. No officer or appointee of the council shall be removed by the council, unless first furnished with a copy of the charges and accusations preferred against him in writing, and allowed to be heard in his defense with the aid of counsel, if the accused shall so desire. The council shall have power to issue subpoenas, under the hand of the mayor or its chairman, to compel the attendance of witnesses and the production of papers and shall proceed, within twenty days after the service of a copy of the charges, to hear and determine the same. If such officer shall neglect to appear and answer such charges, his default shall be deemed good cause for removal.

Accused  
officers  
furnished  
with copy  
of charges.

Certain  
moneys, how  
used.

SEC. 26. All moneys collected by the city for licenses and permits, and all fines imposed for the violation of any ordinance, except for licenses and fees collected for the use of or matters connected with public markets, shall be placed into and constitute a part of a special fund, to be appropriated for the use and benefit of charitable purposes, as may be directed by the common council.

Purposes for  
which private  
property may  
be taken.

SEC. 37. The common council of Bay City shall have power to purchase or take private property for public use and benefit, in the following cases:

First, To open, extend, widen or straighten any public highway, alley or street in said city;

Second, To obtain sites for public buildings and public parks, to locate, establish or alter any sewer or drain;

Third, To obtain a site for a public market.

SEC. 38. Whenever the council shall deem it necessary to take private property for public use for any of the purposes aforesaid, they shall give notice thereof to the owner, owners or persons interested, or their agents or representatives, when said owner, owners or persons interested, or their agents or representatives can be found within the county of Bay, and when said owners, owner or persons interested, or their agents or representatives, cannot be found within Bay county, then by written notice posted in three public places in said city, at least three weeks next preceding the next meeting of said council for the purpose aforesaid. Said notice shall state the time when and the place where the common council will meet to treat with the owner, owners or persons interested, their agent or representative, for the property proposed to be taken. At such meeting of the common council, or at a subsequent meeting to which the subject matter is postponed, the council is authorized to treat with such person or persons for such property, and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for the common council to direct any justice of the peace of said city to issue a *venire facias*, commanding the chief of police of said city to summon and return a jury of twelve disinterested freeholders of said city, to appear before the said justice of the peace, at a time and place therein to be stated, to inquire into and determine the necessity for using such property, and the just compensation to be paid therefor to the owner or owners of, or parties interested in said property or premises; and in the impaneling of such jury, the right of challenge, enforcement of attendance and summoning of talesmen is hereby conferred as is provided by general law in this State for justice courts in civil cases, except that talesmen shall have the same qualifications required of jurors herein, and that no more than two peremptory challenges shall be permitted to the corporation, and a like number of the individual or individuals collectively, whose property is sought to be taken; and the challenge to the array shall be in writing, and shall specify the cause. The said jury, being first duly sworn by said justice, faithfully and impartially to inquire into the necessity for taking or using such property, and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners or the parties interested in such grounds and premises, for their respective injuries, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or

Notice of,  
how given.

What to  
state.

When jury to  
be summoned.

How im-  
paneled.

What to  
determine.

Judgment,  
when justice  
to enter.

Proviso as to  
appeal, bond.

Proviso as to  
city.

Proceedings  
upon appeal.

When circuit  
court to have  
jurisdiction.

Jury, how  
impaneled in  
circuit court.

verdict, enter judgment therefor, confirming the same, and the determination of such jury as to the necessity of taking such private property for public use shall be final and conclusive: *Provided*, That any party to said suit, considering himself aggrieved by such verdict and judgment may, as to the amount of damages awarded, appeal from such judgment to the circuit court for the county of Bay, or to any court of competent jurisdiction upon giving notice of his, her or their intention so to do, to said justice, and filing a bond with said justice in the penal sum of two hundred dollars, with sureties to be approved by the justice, which bond shall be conditioned that the party appealing will prosecute the appeal to effect and pay any costs that may be awarded against appellants in the circuit court: *Provided*, That where Bay City appeals, the bond shall not be required. Said appellant or appellants shall cause to be filed with the clerk of the circuit court, a transcript of the proceedings aforesaid, duly certified by said justice of the peace, within thirty days after the entry of the judgment, and shall pay to said justice the sum of three dollars for making the return of such appeal. Upon filing the justice's return as aforesaid, the circuit court shall have jurisdiction of the case. The parties may proceed to trial by jury as to the amount of damages only, without reference to any term of court. The appeal of one or more persons shall not in any way affect said judgment as to the other persons interested herein who do not appeal. Upon the day which the said circuit court shall set for the trial of said cause, the sheriff, under sheriff or deputy sheriff of the county of Bay shall make a list of twenty-four resident freeholders of the city of Bay City, and the city attorney or his assistant, and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause; the twelve whose names are left on the list shall compose a jury for the trial of the cause, and shall be summoned to attend at such time as the court shall direct, by a venire issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, the same shall be done by the judge of the court, and in case any of the persons summoned upon said jury cannot be found, or, being summoned, do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case, by said sheriff or other officer aforesaid, and the practice and proceedings under this act, except as herein provided relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties and fines upon them for non-attendance, shall be the same as the practice and proceedings of the circuit courts of the State relative to petit jurors in civil cases in such courts, except that peremptory challenges shall not be allowed. The said jurors shall be duly sworn to faithfully and impartially determine



the just compensation to be paid for the property proposed to be taken, and having viewed the premises, if necessary, shall assess such damages as they shall judge fit to be awarded to the owner, owners or parties interested in such property, for their respective injuries, according to their several interests or estates therein. The verdict or finding of said jury upon the questions of damages shall be conclusive, and when the judgment in the circuit court shall not exceed the damages assessed before the justice by at least twenty-five dollars, or when said city appeals, if said judgment of the justice shall not be reduced, a like amount, then the party appealing shall pay all costs occasioned by such appeal, otherwise such appellant shall be entitled to costs. The council shall pay or cause to be paid the several sums awarded in either of the courts aforesaid, out of the special improvement fund, if there are sufficient moneys in the treasury belonging to that fund to pay the same. If there are not sufficient of such moneys in said treasury to pay said award, the council is authorized to and shall cause an order to be drawn on such fund, with interest at five per cent, payable at some future day within one year from date, as a security to the person or persons to whom such compensation shall be awarded, for the amount of such compensation so awarded to him or them, and shall deliver the same to such person or persons, or his or their agent or attorney. It shall thereupon be lawful for said council to cause such grounds to be occupied for the purposes aforesaid.

What to determine.

Verdict to be conclusive.

Amount awarded, how paid.

SEC. 39. Whenever the council shall deem it necessary to issue the bonds of the city for any purpose, the repayment of which is to be borne by general taxation, the question of the issuing of said bonds shall be submitted to the electors of the city at the annual election in April, or at the general election in November, and at least thirty days' notice of such submission shall be given immediately preceding said election, by publication in the official paper of said city, specifying the amount of, not exceeding fifty thousand dollars, and the object for which it is proposed to issue said bonds, except as herein otherwise provided. A separate ballot box shall be provided for the receiving of ballots and the votes on said question shall be canvassed, declared and returned, and all things with reference thereto done in the same manner, as near as may be, as in the case of election of city officials. At the close of such elections, the inspector of elections shall make two certificates of the number of votes given, for and against such issue of bonds, one of which shall be forthwith deposited with the records of said city and the other filed in the office of the county clerk of Bay county: *Provided*, That no more than two such elections on the question of issuing bonds as aforesaid shall be held in any one year.

Question of issuing bonds, when submitted to electors.

Election, how conducted.

Proviso as to number of elections.

SEC. 40. Said loan or loans shall be secured by the bonds of the city, payable at such times and in such amounts, and bearing such rate of interest, not exceeding five per cent per

Bonds, how and when payable, rate of interest.

Negotiated at  
par.

Proceeds,  
how used.

Council to  
provide tax  
for payment  
of bonds.

Proviso as to  
bonds not  
issued in  
serial form.

Proviso as to  
former issues.

Creation of  
sinking fund,  
purpose.

Proviso as to  
payment of  
certain bonds.

annum, as said common council shall determine. The said bonds shall be endorsed "Bay City Bonds," and each bond and coupon shall bear upon its face the specific purpose for which issued; the bonds shall be numbered consecutively, and no sale thereof shall be negotiated at less than face value or par. The proceeds derived from the sale of such bonds, principal and premium, shall be paid to the city treasurer, and by him placed to the credit of a fund to be called by such name as will indicate the specific purpose for which issued, and no appropriation or payment of said fund shall be ordered by the common council, or be made except for the purpose or purposes for which said bonds were issued; accrued interest received in connection with such bond sales shall be paid to the city treasurer and be by him deposited to the credit of interest account in the general fund.

SEC. 41. Whenever the council shall be authorized by a vote of the electors, as provided in this act, they may issue the bonds of the city for the amount as voted, and provide for the payment of the principal and interest thereon, and for this purpose shall annually levy, assess and collect, on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, taxes for this purpose, not to exceed in amount a sufficient sum to pay the interest accrued or to accrue on said bonds for the year in which said taxes are levied, and the principal as it shall become due: *Provided, however,* That where the bonds are not issued in serial form, that is equal payments of principal yearly, between the date of issue and the date of maturity of the last bond of the issue, there shall be raised and levied in each year a sum which, deposited in a sinking fund annually will, with the interest earned thereon, produce the total amount of principal of the bonds issued at their maturity: And *Provided further,* That this requirement shall not apply to any bonds issued prior to April ten, nineteen hundred five.

SEC. 41a. The common council shall create a sinking fund out of which shall be paid, as they mature, the principal of all bonds issued prior to April ten, nineteen hundred five, and it shall levy and assess for the purpose of such sinking fund, beginning with the tax levy of nineteen hundred eight, a sum of not less than thirty-seven thousand five hundred dollars per annum, to be levied and assessed upon all real and personal estate of the city, made taxable by the laws of the State, said sum to be levied in each and every year for the years nineteen hundred seven to nineteen hundred twenty-eight inclusive, and thereafter such sums annually as may be required to meet the requirements of the said sinking fund, be it more or less: *Provided,* That the common council may, in its discretion, extend the time of payment of bonds (except municipal improvement bonds) maturing in the years nineteen hundred seven, nineteen hundred eight, nineteen hundred eleven and nineteen hundred twelve, by issuing new bonds

in the place of those falling due, in such way as merely to change but not to increase the indebtedness of the city.

SEC. 41b. The mayor, comptroller and treasurer, by virtue of their offices, shall constitute a board of commissioners of the Bay City sinking fund. They shall from time to time, upon the best terms they can make, purchase or pay the outstanding debt of Bay City or such part thereof as they may be able to purchase or pay, until the same be fully purchased or paid. All bonds and evidences of debt thus purchased or paid shall be delivered to the treasurer and shall be and become the property of the commissioners of the sinking fund, and the interest thereon shall be credited and belong to the sinking fund. The city treasurer shall endorse upon the back of all bonds so purchased by the commissioners on the Bay City sinking fund, for the benefit of that fund, the following, viz.: "Registered bonds not transferable without the written consent of the mayor, comptroller and city treasurer endorsed thereon," and whenever they cannot arrange for the purchasing or paying of the said debt or any part thereof, they shall temporarily, or until they can so arrange, and subject to the approval of the common council, invest the moneys belonging to said sinking fund in such interest bearing securities as they may deem safe and advisable, or shall deposit the same in a bank or banks to be named by the common council, taking security for the due protection of said deposits. Said commissioners shall from time to time and whenever requested by the common council, make report of their doings, which report shall be referred to and filed by the recorder, and which shall be recorded by him in some proper book to be provided for that purpose.

Board of commissioners of, who to constitute, etc.

Endorsement of purchased bonds.

Moneys belonging to, when may be invested.

Commissioners to report.

SEC. 41c. Moneys levied and collected for the purpose of a sinking fund shall under no circumstances, be applied toward paying any portion of the current expenditure of the municipality. In the event of the council diverting any of said moneys for current or other expenditures, the members who vote for the diverting of such money shall be personally liable for the amount so diverted and the same amount may be recovered in any court of competent jurisdiction; and the members who have voted for the same shall be disqualified from holding any municipal office for the period of two years. In case the common council, upon the request of any freeholder, shall refuse or neglect, for one month thereafter, to bring a proper action therefor, in the name of the municipality, such action may be brought by any freeholder on behalf of himself and of all the other freeholders of the municipality. In the event of the common council neglecting in any year to levy the amount required to be used to provide the sinking fund under this act, for the payment of the bonded indebtedness of the city, every member of the common council shall be disqualified from holding office for the period of two years, but no member of the council shall be liable to the penalty hereby imposed, who shows that he made reasonable

Moneys belonging to, not applied for current expenses.

When freeholder may bring action.

Surplus money, where may be deposited. efforts to procure the levying of the tax for the said sinking fund. The common council may, by resolution, direct that any surplus money in the hands of the treasurer and not specially appropriated for any other purpose, shall be deposited in the sinking fund.

Sinking fund moneys, depositing of. SEC. 41d. The treasurer shall deposit in the bank or banks designated by the common council as sinking fund depositories, the total sum entered upon the tax roll for sinking fund purposes in each year, such deposit to be made annually within thirty days after the date or dates set by the common council upon which taxes are due and payable, and it shall be the duty of the commissioners to see that such deposit is made in each year by the date stated. The treasurer shall have the custody of all moneys, securities and evidences of value, belonging to or pertaining to the sinking fund, and shall pay out the moneys of said fund only by order of the commissioners or a majority thereof, and upon a warrant of the comptroller duly authorized by the common council.

Custody and paying out of.

Provisions for payment of certain bonds.

SEC. 41e. The common council may, in its discretion, provide for the payment of bonds issued either for general or for local improvement purposes in the manner following: Make the principal of the debt payable by annual installments during the period for which the same are issued and for which the debt is to be discharged, such installments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period, and payable at the times corresponding with such installments, together with interest, and shall order a tax for that purpose to be specified, imposed and levied in each and every year to pay the said principal and interest of such bonds.

Keeping of moneys, by whom arranged.

Proviso, as to changing depository of.

SEC. 42. The ways and means committee, subject to the approval of the common council, shall have power to arrange with any bank or bankers in the city for the deposits or safe keeping of the public moneys belonging to or in the custody of the city and for the payment of interest thereon, which interest shall belong to and be credited to the general fund of the city: *Provided*, That such depository may, at any time, be changed when, in the opinion of said ways and means committee, the same shall be for the convenience and general welfare of the city and the safe keeping of such public money.

Mayor to be chief executive.  
To be ex-officio member of board of supervisors.

SEC. 44. The mayor of the city, chosen and qualified as hereinbefore provided, shall be the chief executive officer of Bay City and conservator of its peace. He shall be ex-officio, a member of the board of supervisors of Bay county and shall attend all meetings thereof and be entitled to vote upon all matters that may be brought before said board, and shall receive the same compensation therefor, to be audited by said board and paid by the county, as is authorized by law to be paid township supervisors; he shall also be ex-officio

a member and the chairman of all committees created under and by virtue of the provisions of this act.

SEC. 45. It shall be the duty of the mayor to be at all times vigilant and active in causing the laws for the government of the city to be duly executed and put in force, to observe the conduct of all subordinate officers in the government thereof and, so far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished.

To cause enforcement of laws.

SEC. 52. If the mayor or acting mayor shall file with the recorder his objections in writing to any ordinance, resolution, motion or order of the council, within three days after the passage of the same, setting forth his reasons for disapproving of the same, then such ordinance, resolution, motion or order of the council shall not become operative or take effect unless again passed or adopted by a vote of two-thirds of all the aldermen elect. The recorder shall, at the first meeting of the council after such objections of the mayor or acting mayor shall have been filed with him, communicate and deliver the same into the custody and control of the council.

Veto powers of.

SEC. 53. It shall be the duty of the comptroller to countersign all bonds which corporation or common council is authorized to issue, pledging the faith and credit of said city, to receive all accounts and demands against the corporation, audit and allow them or such parts thereof as to the correctness of which he has no doubt, and the claimant is willing to accept in full discharge thereof, voucher and list them in the order of their allowance, certify to the council as to the correctness of the same, and when payment thereof has been authorized by the council, to countersign all warrants drawn by the recorder upon the treasurer. Such orders shall not be countersigned until the comptroller has first registered the same against the fund or funds upon which drawn. He shall keep the financial accounts of the city in its various departments and funds, its resources and liabilities and the proper classification thereof, shall maintain and keep a bond register, in which shall be entered a record of all bonds issued by the city, with the name, amount and date thereof and complete details of all coupons attached thereto. He shall likewise keep an account of all funds, taxes, receipts and expenditures of the city, as obtained from the daily reports of receipts and disbursements received by him from the city treasurer, and at the close of the fiscal year ending on the thirtieth day of June in each year, he shall, as early as practicable, but in any event within twenty days thereafter, make out and present to the council a full statement and balance sheet of the financial accounts of the said city. He shall at such other times as directed by such council, furnish statements showing the condition of the several funds and accounts. He shall charge the city treasurer with the whole amount of the taxes, special or general, levied for said city, and placed in the treasurer's hands for collection,

Comptroller to countersign bonds, etc., audit and allow demands, etc.

To keep accounts, funds, etc.

When to make statement.

When may furnish extra statements. To charge city treasurer amount of taxes.

Moneys received for licenses, etc.	crediting the various funds and accounts, according to the various appropriations therefor; also all sums received for licenses, rents and other moneys which are payable to the city treasurer, and the proceeds of all bonds, coupons, notes, leases, mortgages, bills receivable or bills payable or revenue of whatsoever nature. When any fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts and expenses actually made, incurred or contracted for and to be paid out of such fund or appropriations, the comptroller shall advise the common council thereof at its next meeting. He shall also
Exhaustion of funds, etc., council to be advised of.	keep a list of all the property, real, personal and mixed, belonging to the corporation and of all its debts and liabilities, in order that the amount of the moneys and liabilities of the corporation may at any time be known at his office. The
Keep list of property, debts and liabilities.	comptroller shall exercise a general supervision over the financial concerns of the city, shall make all purchases for the city or its officials, not otherwise herein provided for, whenever
To have general supervision of finances.	and in the manner as directed by the council; he shall be charged with the leasing, repairs, insurance and general supervision of the city property not herein otherwise provided for, and for his information may require reports from all officials or persons having city property in charge or in his possession, and shall report the same when required by the council.
Of property, etc.	SEC. 59. The comptroller shall make out and attach warrants to all tax rolls of the city authorizing the payment of and the collection by the city treasurer of all taxes spread upon such rolls, and shall perform such other duties as are or may be prescribed by this act or by any general law of the city, or by any ordinance, order or resolution of the council, not inconsistent herewith.
Attach warrants to tax rolls.	SEC. 60. The comptroller is authorized generally to administer oaths, affirmations, take affidavits and to certify to copies of all papers in his office. He shall be ex-officio a member of the board of supervisors of Bay county, shall attend all meetings thereof and be entitled to vote upon all matters that may be brought before said board, and shall receive the same compensation therefor, to be audited by said board and paid by the county, as is authorized by law to be paid to township supervisors.
May administer oaths, etc.	SEC. 64. The recorder shall issue all licenses, permits and dog tags, authorized under ordinance or by resolution of the council, upon production and delivery to him of a receipt from the city treasurer, showing payment of the prescribed fee, which receipts he shall file in his office in order of date. He shall keep a register of all licenses issued, which shall show the date of issue, number of license, purpose for which granted, date of expiration and amount paid to treasurer. The recorder shall issue warrants upon the treasurer for all accounts or amounts authorized by the council, immediately following the meeting of council at which authorized, and after the warrants have been registered and countersigned by the
Be ex-officio member of board of supervisors.	
Compensation.	
Recorder to issue licenses, etc.	
Keep register of licenses issued, etc.	
Issue warrants for accounts, etc.	

comptroller, shall deliver them to the person entitled to receive them. The recorder shall issue all deeds for lots in Oak Ridge cemetery as provided by ordinance of the common council, upon production and delivery to him of a receipt from the city treasurer, showing that the requisite price or fee has been paid therefor; he shall enter in the register provided for that purpose, a record of all deeds issued and he shall also enter in books provided for the purpose, duplicate copies of all deeds issued and quitclaims taken.

Issue deeds for cemetery lots.

Keep record of deeds issued, etc.

Sec. 68. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the corporation. He shall receive and collect all moneys due to the municipality, including water rates, rents and charges, electric light rates, rent and charges, cemetery fees, licenses, fines, fees, library and school fees and all receipts of whatsoever kind or nature to which the city may be entitled. He shall be, by virtue of his office, the collector of all taxes and assessments, both general and special, levied and made by the board of assessors and common council, and for the purpose of his office, he shall give bond to the city in such sum and with such surety or sureties as the council may require or approve; he shall also give the treasurer of the county of Bay such further security as the council shall require and approve; he shall also give the treasurer of the county of Bay such further security as is or may hereafter be required by law of the several township treasurers of this State, for the purpose of the collection and return of all such taxes and of the return of property delinquent for the non-payment of taxes, and said treasurer, upon furnishing the bond so required, when same is approved, shall possess all the powers necessary under this charter or the laws of the State respecting the collection of taxes, and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties respecting the collection and return of taxes as the council shall require: *Provided, however,* The treasurer may sue, in the name of the city, any person to whom a tax on personal property is assessed, at any time within six years after the same was assessed.

Treasurer to have custody of moneys, bonds, etc.

Receive and collect moneys due.

Collect taxes, etc.

Give bonds.

Proviso as to suing within certain time.

Sec. 69. The treasurer shall maintain a ledger in which will be entered by description all properties against which arrears of taxes have been returned, and he shall charge against such descriptions, all taxes remaining unpaid against the said described property from time to time as the same may accrue, together with all interest and collection charges provided for under this charter. The treasurer shall retain in his office a duplicate or counterfoil of every receipt issued, for whatever purpose. He shall enter in a receiving cash book, full particulars of all moneys collected, under the date and in the order of receipt; he shall deposit daily the exact amount of all such receipts in the fund or funds entitled to receive the same and he shall deliver to the comptroller, daily,

Description of properties in arrears for taxes, to be entered.

Duplicate of receipts, to be retained.

Particulars of moneys collected, to be entered.

Make daily deposits.

Report daily,  
to whom.

Payments, to  
be entered,  
report to  
comptroller.

Report daily.

When to pay  
moneys out of  
treasury.

May appoint  
deputies.

Salary.

May appoint  
member of  
police as  
deputy.

Deputies,  
compensation.

Monthly re-  
port to comp-  
troller.

Reports of  
council.

Water works  
committee  
to report  
rates to

a report showing in abstract the amount of the day's receipts and the fund or funds in which deposited. In like manner he will enter in a disbursements cash book all payments made by him, charging the same to the account, fund or funds as indicated by the warrant. He shall daily deliver to the comptroller a duplicate copy of the record showing the several disbursements. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and on a warrant signed by the recorder and countersigned by the comptroller, which shall specify the purpose or purposes for which the amount thereof is to be paid.

SEC. 70. The treasurer shall have power to appoint one or more deputies to be approved by the council, and make or revoke such appointments at his pleasure, which application or revocation shall be in writing and filed in the office of the recorder, and the deputy may perform the duties of the treasurer, and said deputy, before entering on the duties of his office, shall give bonds to the city in such sums and with such security or securities as the council may require and approve. The treasurer of the city shall receive an annual salary of three thousand five hundred dollars, which amount shall be payment in full for all services required by this act to be performed by said treasurer and his deputies and assistants or other persons performing the duties of said treasurer, except the payment of such services rendered by a member of the police force, or other persons, as hereinafter provided. The treasurer may designate and appoint a member of the police force, or other person of, or resident of Bay City, as a deputy treasurer, for the purpose of collecting delinquent taxes, water rates, electric light rates or any other sum or sums due the city; such designation and appointment shall be made in writing and be reported to and approved by the council, and thereupon such police officer or other person shall be possessed of all the powers conferred by law upon the treasurer to collect such delinquent taxes, water rates, electric light rates or other sums. The treasurer shall be responsible for the accounts of such special deputies, who if a police officer, shall serve without compensation, other than that received as such police officer, and if any other person, he shall receive such compensation as the council may determine. The treasurer shall report to the comptroller at the end of each month the amount received and credited by him to each fund, during each month, and such monthly statement will exhibit the actual balances in the several bank accounts, after providing for unrepresented or outstanding warrants, and the books of the treasurer and comptroller must agree. The treasurer shall make such reports to the common council at such times and in such manner as may be required of him by ordinance or resolution.

SEC. 78. When said committee shall have completed its plans and made its estimate of the cost of any new works it may propose to construct, it shall, before making any pur-



chase or letting any contract therefor, report the same to the common council for its approval, and the said committee shall at no time and in no event, enter into any contract or contracts or in any way pledge the credit of Bay City for a greater sum than the amount placed at its disposal by the council, to be known as the water works fund.

SEC. 79. All moneys raised by loan or otherwise for the construction, management and repairs of any and all works for supplying the city and the inhabitants thereof with water, as well as for the purchase of supplies, material, right of way and ground therefor, together with all sums in any way appropriated for that purpose, shall be paid to the city treasurer, and the city treasurer shall collect all water rates, rents or charges which shall by him be credited to the water works fund, and shall be so retained to meet the liabilities of the water works department, and shall not be withdrawn or used for any other purpose unless ordered by the common council.

Appropriations credited to water works fund.

SEC. 80. Previous to payment, all accounts for supplies, materials, wages, salaries and other purposes, shall be approved by the common council, after having been passed upon by the water works committee. The said committee shall, if directed by the council, report the amount of its disbursements and expenditures monthly. It shall also report the nature, condition and progress of any work on contract, undertaken or entered into by it, together with such other information relating to the business or any part thereof under its control, as the council may from time to time direct.

Accounts approved by council.

Make report to council.

SEC. 81. The said committee, when authorized by the council, shall have power to extend the distributing pipes, aqueducts and mains and erect hydrants without the limits of said city, and to regulate, conduct and control such portions of such works, and the water supply therefrom, in the same manner as it may regulate, conduct and control the works and water supply within the city: *Provided*, That before any water shall be supplied to any person or persons residing outside the limits of the city, the entire cost of distributing pipes or other materials necessary to supply such person or persons, shall be paid to the city treasurer, and all such distributing pipes shall be the property of Bay City and form a part of its system of distributing pipes. The common council shall have the power to make proper rules and regulations fixing the rates to be paid for water supplied, and prescribing the time for payment of same to the city treasurer, and for the imposition of a penalty for non-payment of water rates or rents by the dates specified, providing also for the safety of the pipes and machinery, together with such other and further matters pertaining thereto as it may deem expedient.

May extend water works outside city.

Proviso as to payment of cost of pipes, etc.

Council to make rules, etc.

SEC. 82. In the event of a water rate or rent remaining uncollected or unpaid for a period of one year, the amount

When water rate to be placed on tax roll and become lien.

of rates so in arrears for the year ending the previous thirty-first of December shall be returned by the superintendent of the water works department to the board of assessors, on or before the first day of February in each and every year, and the same, together with interest at the rate of ten per cent per annum thereon, shall be placed upon the tax roll then in course of preparation, as a charge against the property upon which said water was supplied, and the said water rate shall become and remain a lien upon the land and premises, and said land and premises shall be subject to sale for such arrears, in the same manner as other municipal taxes in arrear.

Report, when  
to be made  
by superin-  
tendent.

SEC. 82a. The superintendent of water works shall immediately after the beginning of each quarter, prepare a report and deliver the same to the comptroller, showing by totals:

What to  
contain.

First, Amount of allowances or deductions during the previous quarter;

Second, Penalties for non-payment during said quarter;

Third, Charges for metered water during said quarter;

Fourth, Amount of sundry charges made during said quarter, which were not included in the receipt immediately preceding;

Fifth, Charges for water for the then current quarter.

Preservation  
of public  
health.

SEC. 83. The council shall have power and it shall be its duty to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous business or avocation in the limits of said city; the council shall also have power, and it shall be its duty, to appoint, on the nomination of the mayor at the first meeting in April, nineteen hundred five, or as soon thereafter as convenient, four persons, electors and practicing physicians, who, together with the mayor, shall constitute the board of health of Bay City. The four physicians first appointed shall hold their offices respectively for the term of one, two, three and four years from the second Monday in April, nineteen hundred five, and until their successors have been appointed and shall have qualified, and annually thereafter, at the first meeting in April, or as soon thereafter as convenient, a member of said board, with the like qualifications, shall be appointed by the council on the nomination of the mayor, who shall hold his office for the term of four years from the second Monday in April of the year of his appointment, and until his successors have been appointed and shall have qualified. Vacancies in said board shall be filled in the same manner that appointments are made, as herein provided.

Board of  
health, who to  
constitute.

Term of office.

Vacancies,  
how filled.

Board of  
health to make  
annual report.

SEC. 85. Said board of health shall, on or before the first day of May in each year, report to the comptroller, to be by him transmitted to the council, an estimate of the moneys to defray the expenses of such board during the ensuing fiscal

year. The council shall have power to raise, by taxation, the amounts so estimated, or such part thereof as may be approved, in the same manner as other general city taxes are levied and collected, and it shall have authority to make such ordinances, by-laws and regulations for the government of such board of health and for the preservation of the health of the inhabitants of said city as shall insure a prompt and efficient discharge of the duties imposed upon the board by this act.

Expenses,  
amount of,  
raised by tax.

Ordinances  
governing  
board, by  
whom made.

SEC. 94. It shall be the duty of the police force hereby constituted, and each and every police officer, at all times of the day and night, within the boundaries of Bay City, to preserve the public peace and prevent crime, and arrest offenders, to protect the rights of persons and property, to guard the public health, to preserve order, to enforce all laws of the State and all ordinances of said city and lawful resolutions of the council, to remove nuisances existing in public streets and highways, to report all leaks and defects in water pipes and sewers and defects in streets and sidewalks, to the proper authorities. The superintendent and captains of police shall provide a proper force at every fire, in order thereby that the firemen may be protected in the performance of their duties and property preserved for the owners thereof; to protect strangers and travelers at steamboat landings and railway stations, and generally to carry out and enforce all ordinances of the city, lawful resolutions of the council and laws of the State.

Police to  
preserve  
peace, enforce  
laws, etc.

To assist at  
fires.

To protect  
strangers, etc.,  
at depots, etc.

SEC. 99. Three persons, being electors of Bay City, two from the east side and one from the west side of the Saginaw river, shall constitute a board to be known and called the board of assessors of Bay City. The council at its second meeting in April nineteen hundred seven, or as soon thereafter as may be convenient, shall appoint two electors, one for one year and one for three years who, together with the other assessor then in office, shall constitute the board of assessors of Bay City. The persons so appointed shall be appointed and hold their offices respectively for the term of one and three years from the second Monday in August nineteen hundred seven, and until their respective successors shall have been appointed, and shall have qualified, and annually thereafter at the second meeting in April, or as soon thereafter as may be convenient, a member of said board, with the like qualifications shall be appointed by the council, who shall hold his office for the term of three years from the second Monday in August of the year of his appointment, and until his successor shall have been appointed and shall have qualified. Vacancies in said board shall be filled in the same manner as appointments are made, as herein provided.

Board of  
assessors,  
how constituted.

Term of  
office.

Vacancies,  
how filled.

SEC. 100. The common council shall designate one member of said board to be the chairman, another to be the clerk thereof. Two members of said board shall constitute a quorum. The chairman of said board shall receive an annual

Chairman and  
clerk, designated  
by council.

Quorum.  
Salary.

salary of fifteen hundred dollars, the clerk thereof shall receive an annual salary of one thousand dollars and the other assessor an annual salary of eight hundred dollars, as full compensation for the services performed as a member of said board of assessors.

Certain assessors to be members of board of supervisors.

SEC. 101. The members of the board of assessors, except the clerk thereof, shall be members of the board of supervisors of Bay county, shall possess all the powers, discharge all the duties and be subject to all liabilities in, for and to the city that are conferred and imposed upon supervisors of townships by the provisions of the general laws of this State; also by the provisions of the general laws in relation to the assessment and taxations of persons and property, so far as the same may be applicable, except as herein otherwise provided. The assessors shall in each year, in the manner provided in the general tax laws of the State, assess at its true cash value, all the real and personal property subject to taxation within the limits of said city, and said board shall, before the time fixed for the first meeting of the board of review in each year, make out and complete assessment roll, which shall be divided into separate books, one for each ward, to be provided for that purpose by the comptroller. If any lot, lots or other parcel of land shall lie partly in two or more wards, the same shall be assessed in the ward where the greater portion thereof shall be situate.

To assess all property subject to taxation.

When make out assessment roll.

Board of public works, powers and duties of.

SEC. 105. The board of public works shall have the exclusive and entire charge and management of the construction of all main and lateral sewers, of the construction of sidewalks, of the planking and paving, macadamizing or covering with pounded or broken stone or other material, of any street, alley or public place, the expense of which, by this act, is made a charge upon the property specially benefited thereby. They shall have exclusive charge and management of the construction and erection of all public buildings and no contract for the construction of any such public work or such public improvements shall be let by the council without the recommendation of said board. The said board shall have the power to employ or appoint any competent person or persons to inspect or supervise the construction of all local improvements, public works and public buildings subject to the approval of the common council, and the compensation of the person or persons so appointed or employed shall be fixed by the common council and the amount due such person or persons shall be reported to the council from time to time by said board and shall by said council be allowed and a warrant on the treasurer of said city shall be issued for such amount and paid.

Charge of construction of public buildings, etc.

To appoint certain inspectors.

Council to establish sewers, etc.

SEC. 112. The common council shall have the power to establish, construct and maintain sewers and drains, and permanent sidewalks and pavements whenever and wherever in its judgment the same are necessary, and of such dimensions and materials and under such regulations as they may

deem proper for the general welfare and convenience of the inhabitants of the city, and may regulate and maintain those already constructed.

SEC. 113. The expense of paving, draining, macadamizing, planking or covering with broken or pounded stone, including the grading preparatory thereto of any street or alley, the expense of constructing any main or lateral sewer, and the expense of constructing any sidewalks shall be assessed upon the lots and premises specially benefited thereby according to the benefits derived therefrom: *Provided*, That if such expense shall amount to a larger sum than would be properly chargeable upon such lots or premises according to the benefits actually derived, then the excess of such costs over the

Expenses,  
how assessed.

benefits to accrue to such lots and premises, according to the determination of the comptroller shall be chargeable to the city at large and paid out of the general fund: *Provided further*, That if the excess cost of any such improvement over the amount properly assessable upon such lots and premises shall exceed thirty per cent. of the total cost of the improvement of such lots or premises, that fact shall be certified by the comptroller to the council, and thereupon all further proceedings in the making of such improvement shall be suspended until such time as the benefits to accrue on the lots and premises to be assessed therefor shall in the judgment of the comptroller equal at least seventy per cent. of the entire cost of such improvements: *Provided further*, That the cost of grading, paving, macadamizing, planking or covering with broken or pounded stone at the intersection of any cross streets or any alley crossing shall be paid out of the highway fund of the ward in which such work is located: *Provided further*, That whenever any street railway company shall be required by ordinance or resolution of the common council, to pay the cost and expense of grading, draining, paving, macadamizing or planking its right of way the board of public works shall estimate the cost thereof and submit the same to the council for its approval; after such approval and after letting the contract for such work, the comptroller shall set down and assess in the local tax roll for the paving, planking or macadamizing of the street on which is such right of way required to be paved, planked or macadamized, the amount, including contract price, cost of superintending and advertising made chargeable against such street railway company for such work. The amount so assessed against such street railroad company shall be after the review of such local tax roll a lien on the right of way, the rails, road, cars and property of such street railway company; and such tax and assessments shall be payable in the same manner and when paid placed in the same fund as other local improvement taxes; and like proceedings shall be had and taken so far as practicable regarding the assessment, the review, the collection and return of the tax so assessed as in cases of taxes for local improvement assessed according to benefits.

Proviso as to  
cost being in  
excess of  
benefits.

Proviso as to  
cost exceed  
thirty per  
cent.

Proviso as to  
cost of grading  
street  
crossings.

Proviso as to  
street railway  
companies  
paying cost.

Assessment  
against com-  
pany to be  
lien.

Work of grading, etc., how let.

SEC. 114. For the purpose of making an assessment for the cost of grading, paving, macadamizing or covering with broken or pounded stone, any street or alley, the entire work for such assessment shall be bid for and let as one piece of work under one contract, excepting the right of way of steam and electric railways and that such bidding and letting shall show: The cost of paving, grading, draining, planking, macadamizing or covering with broken or pounded stone, any street or alley including street intersections and crosswalks, and the cost of paving, grading, draining, planking or macadamizing of any street railway right of way which shall be bid for and let separately.

To show cost of paving, etc.

Who to estimate cost.

SEC. 118. Whenever the council shall order the performance of any such work, other than sidewalk, the board of public works shall proceed to estimate the cost of such work, and may cause surveys, plans and specifications to be made, and report the same to the council with such other recommendations as it may deem advisable. As soon as the cost of such work shall be estimated by the board of public works, approved by the council, and the contract let for the performance of such work, the comptroller shall prepare a tax roll, in which roll he shall set down the description of all the lands and premises he deems to be especially benefited by the proposed work, and the amount chargeable and assessed against each description of property in the manner provided in this act, which amount shall include the contract price of construction, and the amount as estimated by the board of public works for surveying, superintending, construction and advertising, exclusive of the intersection of any crosswalk and alley crossing. Also set down in such tax roll the amount, including contract price, cost of superintending and advertising made chargeable against the various ward highways, designated in the ward or wards, which such amount appropriated to the city and highway funds, shall be reported to the common council and payable to the contractor by orders on the respective city and highway funds as the work progresses, on the certificate of the engineer in charge. In the construction of sidewalks by the city, pursuant to the provisions of this act, the board of public works shall annually advertise for and receive bids for the construction of all such work to be done the ensuing year and let the contract to the lowest responsible bidder therefor. In constructing the same the said board shall possess same powers and be charged with the same duties relative thereto as in other street improvements, and when the cost for any such work chargeable to any private property shall have been approved by said board and the common council, it shall then be the duty of the comptroller to make a proper assessment roll therefor and in so doing they shall possess the same powers and be charged with the same duties as are hereinbefore set forth in the assessment of taxes for other street improvements.

Tax roll, when and by whom prepared.

Construction of sidewalks, letting of.

Powers of board.

Assessment roll, by whom made.

SEC. 120. The comptroller shall cause such notice to be published in the official newspaper for at least five days preceding the time fixed for such meeting. At the time and place appointed therefor, or at such other time and place to which said board may adjourn, the said board shall sit and hear any objections to said assessment which may have been made by any person deeming himself aggrieved thereby, and shall decide upon the same. Any member of said board shall have power to administer an oath and to examine witnesses in relation to the matters involved in such objection. Said board, upon cause shown may, at the time of said meeting diminish or correct any assessment or description appearing upon said roll: *Provided, however,* That if the amount assessed upon said roll against any description of property shall be diminished, the amount of such diminution shall be divided and added ratably to all the assessments upon said roll. They shall continue in session for at least one day and for such longer time as may be necessary. After the said board shall have reviewed and approved said assessment roll the comptroller shall endorse thereon the words "Local tax roll for (e. g., paving Water street, between Sixth and Tenth streets), (or e. g. sidewalk on south side of Twenty-third street, between Water street and Broadway, as the case may be)," as approved by the board of public works (e. g. July fifteenth, nineteen hundred..... fixing time).

Review of  
assessment  
roll.

Endorsement  
of assessment  
roll, by whom.

Date.....

.....

Comptroller.

Said roll, when so endorsed, shall be prima facie evidence in all courts and tribunals of the regularity of all proceedings preliminary to the making thereof, and of the validity of said tax and tax roll. The amounts so assessed upon any real property, shall, as soon as said roll is approved, become a lien on such real property and the lien for such amounts and for all interest and charges thereon shall continue until the payment thereof.

Endorsed roll  
to be prima  
facie evidence.

Amounts  
assessed to be  
become lien.

SEC. 125. At the time fixed in said warrant for the return of said roll, the treasurer shall return the same to the comptroller, with a statement thereto attached wherein he shall state substantially that the amounts so returned as unpaid, remain unpaid by reason of the treasurer being unable, after diligent inquiry, to find sufficient personal property on which to levy and collect such taxes, which statement and return shall in all cases be made under oath and filed in the office of the comptroller. On the return of such rolls as above provided for, the comptroller shall immediately transcribe such descriptions of property upon which the several amounts of taxes appear on said roll unpaid, with the accrued interest

Treasurer to  
make state-  
ment under  
oath of  
unpaid taxes,  
where filed.

When persons  
may pay  
taxes to  
treasurer.

added thereto, in a book provided and kept for that purpose, and promptly deliver such transcript to the treasurer, to whom any person or party in interest may pay such unpaid tax or assessment at any time before it is put in the general county roll as provided hereinafter, by paying to the treasurer the amount of the taxes so assessed against him or his property, together with interest at the rate of one per cent per month or fraction of a month, the same to be added and computed from the day of the month on which said transcript was delivered to the treasurer to the date of payment. Said transcript shall be returned to the comptroller on the fifteenth day of October next following, who shall proceed to add the interest accrued as above and then deliver the same to the board of assessors, who shall assess the same against the same descriptions and property in the county tax roll, and such taxes shall then be levied, collected and returned, and the said premises may be sold for the non-payment thereof, as provided by law for the non-payment of other taxes. No tax levied or assessed under this act shall be rendered invalid by reason of the treasurer neglecting to swear to or file the statement required by this section, or by reason of the treasurer not making such levy as sworn to by him.

When transcript returned to comptroller.

Taxes not invalidated by treasurer's neglect.

When taxes to be assessed on county roll.

Different taxes, how entered on tax roll.

Additional amounts to be spread on general roll.

When surplus to be credited to general fund.

SEC. 126. If any local improvement tax assessed upon any local tax roll against any person or upon any property, shall remain unpaid at the time of the return of such tax roll or transcript to the comptroller, the comptroller shall compute the interest due upon such tax up to the return day of the transcript, as provided in this act, and the amount of such tax and interest thereon, shall be entered and assessed by the board of assessors on the county tax roll against the same person or upon the same property. The different taxes to be assessed upon said county roll shall be entered in different columns as follows: The State tax in a column headed "State Tax;" county tax in a column headed "County Tax;" and school tax in a column headed "School Tax;" and all other taxes of whatsoever name and nature in a column headed "City Tax."

SEC. 133. Before the twentieth day of May in each year and not later, the comptroller shall report to the council the additional amounts, if any, required to meet the payment of the bonds issued as aforesaid for local improvements, together with the interest thereon, maturing in the succeeding year, and all interest accruing and to become due on all such outstanding bonds in said year. Whereupon the council may order such amounts spread on the general assessment roll of the city, as provided in this act for other city taxes. In case at any time there shall be a surplus in said bond and interest local improvement fund, after the payment of the bonds and interest thereon, the same shall be credited to the city general fund. The bonds so issued with interest thereon, and all interest on bonds outstanding shall be paid as they become due out of the fund herein provided.



SEC. 134. Upon the approval of the council of the report of the board of public works, of the amount due for the construction of any sewer, or grading, paving, macadamizing or otherwise improving any street, the expense of which is a charge upon the property benefited thereby, the recorder shall issue a warrant countersigned by the comptroller, to be drawn upon the fund assessed and levied to defray such expense, which warrant shall from thirty days after the date thereof, draw interest at the rate of five per cent. per annum, payable out of the interest collected upon the tax assessed for the construction of the improvement, upon which fund said warrant shall be drawn: *Provided*, Said interest shall not be paid from any other fund and all interest shall cease when there is sufficient money in the fund for the payment of said warrants with interest thereon.

When recorder to draw warrant.

Warrant to draw interest.

Proviso.

SEC. 139. The board of public works shall, before the first day of May in each year, report to the council what amount of special improvements the cost of which is payable by the property especially benefited thereby, as in this act provided, will in their judgment and opinion be necessary or be required to be made, built or constructed during the ensuing year. Upon the receipt of such report and estimate, the council may decide what amount in their judgment and discretion, they deem necessary to be raised by issuing bonds therefor for such purposes during said year.

Amount of special improvements, when reported to council.

SEC. 140. After such judgment and determination by the council, which shall be entered at large upon the record of their proceedings, and in order to defray the expense of paving, macadamizing, planking, covering with broken or pounded stone, or any other material, including the preparatory grading thereof, of any street or alley, the expense of constructing any main or lateral sewer, and the expense of constructing any sidewalk, together with the cost of superintending any such work, in anticipation of the collection of the assessments and taxes to defray the expense thereof, the council may, from time to time, by resolution, authorize and direct the mayor and comptroller of said city to borrow such sum or sums of money as may be necessary for such purpose, not exceeding one hundred fifty thousand dollars in any one year and to issue the bonds of the city therefor, bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually. The said bonds shall be endorsed "Local Improvement Bonds" and shall be numbered consecutively. No sale thereof shall be made at less than face value, or par, and the proceeds derived from the sale thereof shall be paid to the city treasurer and by him placed to the credit of a fund to be known as the "Bond and Interest Local Improvement Fund." All said bonds shall be paid at maturity, and the council shall not have the power to reissue the same bonds, nor issue bonds to take up the same bonds except as herein otherwise provided: And *Provided further*, That no more

When council may authorize issue of bonds.

Name of bonds.

Sale made at par.

Bonds, how paid.  
Proviso as to amount of bonds issued, etc.

than four hundred thousand dollars of such bonds shall be issued and outstanding at any one time.

When money  
for city, etc.,  
purposes to  
be raised by  
tax.

SEC. 143. On or before the third Monday of May in each year, or as soon thereafter as the board of assessors shall have completed the assessment roll for said year, the council shall, by resolution, direct the amount of money to be raised by taxes in said city for the current year, for said city, highway, special improvements, street openings and other purposes, not exceeding the amount the council is authorized by section one hundred forty-one to raise for such purposes:

Proviso as to  
school tax.

*Provided*, That no school tax shall be voted by the board of education, except by a vote of the majority of all the members elect thereof. The board of supervisors of Bay county shall have no power to direct the amount of money to be raised in said city upon the city tax roll for city or school purposes, except to order the reassessment of rejected taxes.

Board of  
supervisors  
may reassess  
rejected  
taxes.

Aldermen to  
recommend  
tax to be  
raised for  
highways in  
wards.

SEC. 144. It shall be the duty of the aldermen representing each ward in said city to recommend to the council the amount necessary to be raised in their wards respectively, for highway purposes, not exceeding however, one per cent. upon the assessed valuation of the real and personal property within such ward, according to the valuation thereof, taken from the assessment roll for such year, which amount, if approved, the council shall order to be raised, but in case the council does not approve of the same, or in case the alderman from such ward neglect or refuse to make such recommendation, the council shall order such sum within the limits above specified as it may deem necessary, and the several amounts so ordered shall be assessed and collected in the same roll and in the same manner as city taxes. The several amounts so recommended shall be by the treasurer placed to the credit of the highway fund of the ward in which the same are assessed, and shall be expended for highway purposes in such ward: *Provided*, That in assessing property in said city for ward purposes, the same when situated in more than one ward shall be assessed in the ward where the greater portion of such real estate is situated.

Amounts,  
how credited.

Proviso as to  
property  
situated in  
more than  
one ward.

Taxes  
assessed, how  
entered on roll.

SEC. 146. Said board of assessors shall proceed to assess a tax upon the city roll for the total amounts of the taxes ordered to be raised and specified in this chapter, and so in like manner the board of assessors shall proceed to assess a tax upon said roll for the amount ordered to be raised for school purposes, according and in proportion to the individual and particular estimate and valuation specified in said roll, entering the said school tax in one column to be headed "School tax" and in like manner the city and highway taxes in separate columns in the proper fund as hereinbefore indicated. For the purpose of avoiding fractions in excess of said amounts the board of assessors may add thereto not more than one per cent. of the amount to be raised; said excess shall be paid into and belong to the general fund of the city. The taxes assessed upon each valuation shall be extended and

Excess  
of roll.

added together in the last column of said roll, upon the right hand side of the page opposite each valuation.

SEC. 147. Such city tax roll, when prepared as aforesaid, shall be, by said board of assessors, promptly delivered to the comptroller who shall annex a warrant signed by him, commanding the treasurer to collect from the several persons named in said roll, the several sums mentioned in the last column in said roll opposite their respective names, and to retain the same in his hands for the purpose therein specified, and to return said roll to said comptroller on the fifteenth day of October next following. Said warrant may be in the following form:

Comptroller  
to annex  
warrant to  
roll.

When  
treasurer to  
return roll.

To the Treasurer of Bay City:—

Form of  
warrant.

You are hereby commanded to collect from the several persons named in the said roll, the several sums mentioned in the last column in said roll opposite their respective names, and retain the same in your possession for the following purposes:

For city funds .....	\$.....
For school funds .....	\$.....
For highway funds, First ward.....	\$.....
For highway funds, Second ward.....	\$.....
For highway funds, Third ward.....	\$.....
For highway funds, Fourth ward.....	\$.....
For highway funds, Fifth ward.....	\$.....
For highway funds, Sixth ward.....	\$.....
For highway funds, Seventh ward.....	\$.....
For highway funds, Eighth ward.....	\$.....
For highway funds, Ninth ward.....	\$.....
For highway funds, Tenth ward.....	\$.....
For highway funds, Eleventh ward.....	\$.....
For highway funds, Twelfth ward.....	\$.....
For highway funds, Thirteenth ward.....	\$.....
For highway funds, Fourteenth ward.....	\$.....
For highway funds, Fifteenth ward.....	\$.....
For highway funds, Sixteenth ward.....	\$.....
For highway funds, Seventeenth ward.....	\$.....

You are further commanded to return said roll to me on the fifteenth day of October next.

Dated.....

Comptroller.

The taxes thus assessed upon personal property shall become at once a lien thereon and shall take precedence of any sale, transfer, assignment, chattel mortgage, levy or other lien on such personal property, executed or made on or after the first Monday in January of the year when such assessment shall have been made, except where such property

Taxes  
assessed to  
become lien.

Proviso as to  
taxes paid  
before review.

When excess  
to be  
returned.

When tax  
roll, etc., to be  
delivered to  
treasurer.

Treasurer to  
notify  
persons  
assessed.

Form of  
notice.

When tax to  
be levied by  
distress and  
sale.

is actually sold for the supply of customers in the usual and regular course of trade: *Provided*, That if any person shall pay or tender to the treasurer the tax upon the amount assessed upon and against any personal property, based upon the rate per cent. of taxation of the preceding year, before the board of review shall meet for the current year, and for which the tax sought to be paid is assessed, the personal property so assessed shall be divested of any lien for such tax and the board of review shall be thereby precluded from increasing the amount of the assessment of such personal property. If when the rate for the current year is determined, it shall prove to be less than the rate paid pursuant to the foregoing, then in such case, the excess, upon demand, shall be repaid to the person or persons paying such tax. The amounts so assessed upon said city tax roll upon real property shall, as soon as said city tax roll is approved by the board of review, become a lien upon such property, and the lien upon such real and personal property for such amounts, and for all interest and charges thereon, shall continue until the payment thereof. Said city tax roll and warrant shall be delivered to said treasurer on or before the first day of August.

SEC. 148. The treasurer shall cause a notice to be served upon or mailed, on or about the fifteenth day of August to each person whose name appears upon said roll, notifying such person that said city tax roll is in the hands of said treasurer, that a tax assessed thereon against such person is due, and that if said tax is not paid on or before the thirtieth day of September then next ensuing, interest will be added thereto at a rate of one per cent. per month or fraction of a month thereafter until paid. Said notice may be in the following form:

To.....

Take notice that the city tax roll of Bay City for the year 19... is now in the hands of the treasurer of said city; that a tax assessed thereon against you is now due; that if said tax is not paid on or before the thirtieth day of September, inst. interest will be added at the rate of one per cent. a month, or fraction of a month, thereafter ensuing before the payment of said tax.

Yours truly,

.....  
Treasurer.

In case any person named in said roll shall refuse or neglect to pay any tax imposed on personal or real estate belonging to him, the treasurer shall levy the same by distress and sale of the goods and chattels of said person whenever the same may be found within the county of Bay, and

thereupon the treasurer shall possess all the powers, be subject to all the duties conferred and imposed by any general law of this State now in force or which may hereafter be enacted.

SEC. 151. Within two days after the return mentioned in said warrant the treasurer shall return said roll to the comptroller. All taxes assessed and collected as school taxes shall be applied to fill the school fund; all taxes collected and paid as city taxes shall be applied to fill the several city funds and the taxes assessed and collected as highway taxes in each ward shall be applied to fill the highway fund of that ward. The county tax roll hereinbefore mentioned shall be treated and regarded as the assessment roll of Bay City, in connection with the matter of equalization of assessment rolls by the board of supervisors and for all purposes of assessing the county and State taxes apportioned to the city: *Provided, however,* That the equalization of value of the real property shall be of the city entire, as a unit, and not by wards. The total assessed valuation of the real property of said city, as shown by the several ward rolls thereof, shall be the basis of equalization by said board of the equalization of said property: *Provided further,* That it shall be sufficient to certify said equalization upon the highest numerical ward roll of said city.

Taxes collected, how applied, etc.

County tax roll, treated as city assessment roll.

Proviso as to equalization.

Total valuation of real property to be basis of equalization. Proviso.

SEC. 152. The clerk of the board of supervisors of Bay county shall immediately after the apportionment of the State and county tax by the board of supervisors at its annual session, as provided in any general law of this State now in force or which may be hereafter enacted, make out a certificate of the amount apportioned, to be assessed therefor upon the property of the city, and deliver the same to the comptroller. After making the proper entries thereof the comptroller shall immediately deliver said certificate to the board of assessors, who shall proceed to assess taxes for the same upon the county tax roll in the manner hereinbefore provided for the assessment of the taxes on the city roll except as herein otherwise provided.

Certificate of amount assessed city property, by whom made.

When board of assessors to assess taxes on county roll.

SEC. 153. If any tax, assessed upon the city tax roll against any person or upon any property, real or personal, shall remain unpaid at the time of the return of such roll to the comptroller, the board of assessors shall enter and assess the amount of such taxes with the interest accrued thereon, upon the county roll opposite to and against the same person and property. The different taxes to be assessed upon said county tax roll shall be entered in different columns as follows: The State tax in a column headed "State Tax;" county tax in a column headed "County Tax;" and school tax in a column headed "School Tax;" and all other taxes of whatever name and nature in a column headed "City Tax."

Unpaid taxes, when and by whom entered, etc., on county roll.

How entered.

When county roll with warrant delivered to city treasurer.	<p><b>SEC. 154.</b> The board of assessors shall deliver the county tax roll to the comptroller who shall attach his warrant thereto and deliver same to the city treasurer on or before the first Monday of December; said warrant shall be under the hand of the comptroller, commanding such treasurer to collect from the several persons named in said roll the several sums mentioned in the last column of said roll opposite their respective names, and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes on or before the first day of March, then next ensuing. Such warrant may be in the form given in section one hundred forty-seven of this act, except as herein otherwise provided.</p>
Form of warrant.	
Board of review, how constituted, etc.	<p><b>SEC. 161.</b> The board of review shall consist of the board of assessors, the members of the board of public works (except the city engineer) and the city attorney, five of whom shall constitute a quorum for the transaction of business; but a less number may adjourn from day to day.</p>
When to meet.	<p>Said board shall meet on the second Monday in July in the year nineteen hundred seven, and on the second Monday in May in each year thereafter, at the council chamber in said city, at which time the board of assessors shall submit to the said board the said general assessment roll. During the week, commencing on said day, said board may of their own motion, revise said assessment roll, and may increase or diminish valuations therein, add the names of persons and description of property improperly omitted from said roll, and affix the valuations of such property and they shall correct all errors and supply all deficiencies found therein.</p>
May revise assessment roll.	
When to meet upon request by aggrieved persons.	<p>Such board of review shall meet on the third Monday in July in the year nineteen hundred seven, and on the third Monday in May in each year thereafter, at the same place and upon the request of any person, his agent or attorney, considering himself aggrieved and sufficient cause being shown, may reduce the assessment in such amount as to the said board may seem just and equal, and they may examine on oath any person touching the matter. After the expiration of the first week during which said board is required to sit, it shall have no power to increase any valuation therein or add the name of any person or the description of any property thereto, except upon notice to the person to be affected thereby, served, in the case of a resident of the city, personally, or by leaving the same at his usual place of abode twenty-four hours before any action is taken by the board in respect to such assessment, and in case of a non-resident by one publication in the official newspaper of the city. Said board shall continue in session six days during said second week and as many days thereafter as may be necessary. Any member of said board may administer an oath and examine witnesses in relation to the matters</p>
Powers of.	
Length of session.	
May administer oath, etc.	

requiring investigation before said board. Said board shall keep a record of its proceedings in reducing or increasing the valuation of property assessed upon the roll. To keep record.

SEC. 163. After said board of review shall have completed the revision of said roll said comptroller shall endorse and sign a statement upon each book of said roll, to the effect that the same is the general assessment roll for the..... ward of said city, for the year in which it has been prepared as approved by the board of review. Said statement may be in the following form, viz.: Comptroller to endorse statement.  
Form of statement.

General assessment roll of Bay City,..... ward, for the year nineteen....., as approved by the board of review.

Dated.....

.....

Comptroller.

Upon the completion of said roll and endorsement of the same in manner aforesaid the same shall be conclusively presumed by all courts and tribunals to be valid and to have been made according to law. The board of assessors shall then make a copy thereof and such copy shall be used and known as the county tax roll, and said original assessment roll may thereafter be used and known as the city tax roll. When roll deemed valid.  
County and city tax roll, what constitutes.

## CHAPTER XIII A.

SEC. 165a. A board of estimates in and for the city of Bay City is hereby created, to consist of five members who shall be appointed by the common council. The members of said board first appointed shall hold their office for a term of one, two, three, four and five years respectively, and until their successors are appointed and qualified. The term of office of the members of said board appointed thereafter shall be five years. They shall serve without pay. The members of said board shall be first appointed immediately after the passage of this act, three of whom shall reside on the east side of the Saginaw river, and two on the west side thereof, and annually thereafter on the second Monday in April, or as soon thereafter as convenient, one member of said board shall be appointed for a term of five years. The members of said board shall be citizens and resident electors and taxpayers of said city. Said board shall elect one of their number president of said board who shall preside at their meetings, and who shall hold his office until the annual appointment of members of said board. If he is absent or incapacitated from performing his duties the board shall appoint a president pro tem. The city clerk shall keep a Board of estimates, appointment, etc., of.  
Term of office.  
Compensation.  
When appointed.  
Eligibility of members, etc.

When to  
meet.

record of its proceedings. The meetings of said board shall be held in the common council chamber. Said board shall meet annually on the first Thursday in May at seven o'clock in the afternoon, and other meetings shall be held on the call of the president or on written notice of a majority of the members of said board, delivered to the clerk. The board may adjourn from time to time, and in case no quorum shall be present at the appointed time of meeting, those present shall adjourn such meeting until some future time, and from time to time until the business referred to it by the council is disposed of, and it shall not be necessary after the council has referred to the board of estimates any resolution or proceeding which is herein required to be referred to said board, to again call a meeting of said board of estimates, but it shall dispose of such matter without further call from the council. The board shall have the right to call upon the council or upon any officers or boards of the corporation for any information which it may require, or for further reports for the purpose of estimating any amount to be raised, or in reference to any other matter pending before such board. And such board or officers shall furnish the same as soon as possible after such request. It shall also have the right to inspect the official books and papers of said officers or boards.

Powers of.

Estimates,  
etc., sub-  
mitted to  
board for  
approval.

SEC. 165b. Before any money shall be raised or taxes levied and collected, for the purpose of the several funds mentioned in the charter of said city, or for school or library purposes in said city, the estimates of the council and the board of education of the amounts of money required for such funds or purposes shall be submitted to said board of estimates for approval and before any bonds or other evidence of indebtedness shall be issued by the city or any board thereof, said issue shall be approved by said board of estimates, unless they have been authorized by a vote of the people as provided in said charter. The estimates of the general city taxes shall be acted upon by the council as provided by the charter, and shall be submitted to said board of estimates on the first Thursday in May to be considered by the board and reported by it to the council on or before the third Monday of May. The said board shall carefully consider all estimates required by this act to be submitted to it, of moneys to be raised as aforesaid, and shall approve or disapprove of the same. It may decrease the amount to be raised, but it shall not increase the same, and may approve, subject to the conditions of this act, the sale of bonds of said city, or boards thereof, when thereto authorized by law. The majority of all members of said board shall be required to approve of any of such estimates for the raising of taxes, or any part thereof or for authorizing the issue of any bonds or other evidence of indebtedness against said city, except when the same are authorized by a vote of the tax-paying electors of said city as provided by this charter.

Estimates of  
taxes, when  
submitted.

Powers and  
duties of.



SEC. 165c. All votes of said board, approving or disapproving any estimates, or decreasing the amount thereof, or the authorizing or disapproving the issuing of bonds, shall be taken by yeas and nays and entered upon the record of its proceedings. After the said board shall have considered the said matters required to be submitted to it, it shall cause a statement of the amounts approved by it to be raised by taxation or issue of bonds, and the fund or purpose for which it is raised, to be made, which statement being adopted by a majority of the members elect of the board, shall be then signed by the president and clerk of the board and shall be transmitted to the council, and only so much of such estimates or amounts to be raised by taxation as shall have been approved by said board shall be raised and collected in said city, and only such bonds and other evidence of indebtedness against said city shall be issued as shall be authorized by said board as herein provided, or as shall have been authorized by a vote of the qualified electors of the city, or the taxing district affected thereby in accordance with the provisions of the charter of said city. The council of said city, upon the approval of said estimates, or any part thereof, by said board, may cause to be levied and collected by general taxes the amount thereof so approved, in the manner in this charter provided, and may issue any bonds so authorized to be issued by said board as aforesaid: *Provided*, The amount approved by said board for school purposes, for interest and sinking fund, and for the purpose of paying the street improvement and sewer bonds and interest thereon as provided in this charter, shall be levied in full.

Votes of board, to be recorded, etc.

To make statement.

Council to levy taxes, when.

Proviso as to certain purposes.

SEC. 165d. All the provisions of this charter shall apply to the estimates for school and library purposes and money and funds to be raised therefor in like manner and with the same force and effect as it applies to other funds and estimates therefor to be raised or borrowed for any purpose by said city or any board thereof.

To apply to school and library purposes.

SEC. 185. Said police justice shall receive an annual salary of fifteen hundred dollars, to be paid by Bay City in the first instance, but the board of supervisors of Bay county shall annually make a reasonable allowance to said city toward the payment of the salary of a police justice and the expense of said police for the services rendered by the police force of the city in prosecutions under the general laws of this State, which allowance shall be equal to three-quarters of the expense incurred on account of the expenses of said court and police service: *Provided*, That such allowance shall not exceed three thousand dollars per annum.

Salary of justice and police, how paid.

Proviso as to amount.

SEC. 189. When a jury shall be demanded for the trial of any cause in said police court, a list from which such jury is drawn shall be prepared by a member of the police force. In all other respects the jurors shall be selected and summoned in said police court, and all proceedings not herein provided for, shall be conducted the same as in a justice

Selection of jurors.

Proviso as to duties of city police. court: *Provided*, That the policemen of Bay City shall perform the duties of such police court which are or may be performed by sheriffs or constables in said justice courts, except as herein provided.

Warrant for drawing moneys from treasurer. What to specify. SEC. 196. All money drawn from the treasury, except school and library funds, shall be drawn in pursuance of an order of the council, by warrant signed by the recorder, and countersigned by the comptroller. Such warrant shall specify for what purpose the amount therein named is to be paid, and the comptroller shall keep an accurate account of all warrants paid by him. The treasurer shall keep an accurate account of and report to the comptroller on the first of each month, a detailed statement of all taxes and interest collected and moneys received and disbursed. Said books shall be open to the inspection of any elector of the city at all reasonable hours. All warrants paid by the treasurer shall at all times be subject to the inspection of the comptroller, who shall give the treasurer credit for moneys disbursed. The treasurer shall exhibit to the comptroller an annual statement at the end of the fiscal year, June thirty, and at such other times as the council may require, a full and fair account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury; which account shall be referred to a committee for examination, and if found correct shall be approved by the committee and filed. The comptroller shall render statements of the accounts of the city appearing upon his books whenever required by the council.

Monthly statement as to moneys, etc.

Accounts open to inspection.

Treasurer to make annual statement to comptroller.

When comptroller to make statements.

Accounts, etc., against city, by whom audited. To be accompanied by affidavit.

Non-presentation, etc., of, to be sufficient defense in court.

Notice of claim, what to contain, limit of time for serving.

SEC. 204. The common council shall audit and allow all accounts chargeable against the city, except as in this act otherwise provided, and no account, claim or contract shall be received for audit or allowance, unless it shall be accompanied by an affidavit of the person rendering it, to the effect that he verily believes that the services claimed to have been rendered or property therein charged for were actually performed or furnished to the city; that the sums charged therefor are reasonable and just to the best of his knowledge and belief, are due and unpaid, and that no set-off exists or payments have been made on account thereof, except as stated in such account or claim; and every such account shall exhibit in detail the amount of each item making up amount claimed. And it shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city of any description whatever, that it has never been presented to the council as aforesaid for allowance; or that the claim was presented without the affidavit aforesaid and rejected for that reason, or that the action or proceeding was brought before the common council had reasonable time to pass upon such account or claim. No action shall hereafter be brought or prosecuted against the city or any of its boards of officers for any injury alleged as the result of any negligence on the part of the city or any board or officer thereof, unless the person injured shall serve

or cause to be served, within thirty days after such injury shall have occurred, a notice in writing on the council of said city, which notice shall set forth substantially the time when and the place where such accident or injury occurred, and the manner in which it occurred and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold the city liable for such damages as may have been sustained as aforesaid. All facts relating to such personal injuries shall be set forth in the affidavit made by claimant. Such affidavit shall also state the names and addresses of all the claimant's witnesses, the name of the attending physician or physicians, if any; the amount of money, if any, expended for medical attendance; the loss of time and value thereof, and shall fully describe the nature and extent of the injury received, and the amount of compensation claimed by reason of such damage or injury. All claims for damages against the city growing out of negligence or default of said city or of any officer, board or employe thereof, shall be presented in the above manner within thirty days after such damage has been sustained or injury received, and in default thereof shall thereafter be forever barred. No action shall be maintained in any such case in any event unless the same be brought within one year after such alleged injury shall have been received.

Affidavit by claimant, what to set forth.

Limit of time for presenting claim.

When no action to be maintained.

SEC. 224. When the common council shall order a special election to be held in any of the wards of said city for the election of ward officers, said council by resolution shall direct the city recorder to notify the members of the board of registration in said ward to review and complete the list of qualified electors of said ward on a day and at a place to be named in said resolution. Notice of the time and place for such registration shall be published in the official newspaper of the city for at least two successive days prior to such session. It shall not be necessary to insert in such notice the names of registered electors, or post handbills containing the same, as in case of general or charter elections. The provisions of the general election law, or so much thereof as may be applicable except as herein otherwise provided, shall govern and regulate the action of said board, each member thereof, and all other persons in reviewing and completing the register of electors at such session; and all persons are hereby made liable to the penalties prescribed therein for any violation of the same at such session, as if the same were here enacted. In case there shall be a vacancy in the then board for such ward or district, the same shall be filled as provided in section nine of this act.

Special elections.

Notice of registration.

General law to govern.

SEC. 241. The members of the board of education of the union school district of Bay City, as herein provided for, who were elected in the year nineteen hundred three shall continue in office until the first Saturday in October, nineteen hundred five; the members of said board of education of said district who were elected in the year nineteen hun-

Board of education, election of, term of office.

School trustee, candidates for, to file notice.

Eligibility for office.

Library trustees, appointment of.

Vacancy of, how filled.

Term of office.

Library trustees, powers and duties of.

Who to be treasurer.

dred four shall continue in office until the first Saturday in October, nineteen hundred six, and until their respective successors shall have been elected and qualified. On the first Saturday in October, nineteen hundred six, and every two years thereafter there shall be elected one member of said board of education of said district from each ward of said city, each of whom shall continue in office until his successor shall have been elected and shall have qualified. Each and every person intending to become a candidate for the office of school trustee shall file with the city recorder a written notice of such intention, not less than five days prior to the election of such trustee. Failure to file such notice shall disqualify any such person from holding such office. No person shall be eligible for such office who holds any other office or appointment under the municipal government of said city or said school district.

SEC. 261. At the first meeting of the board of education in nineteen hundred seven, or as soon thereafter as convenient, said board shall appoint one person for a term of six years who, together with the five trustees then in office, and the president of said board of education, shall be trustees of the Bay City public library, and annually thereafter, at the regular meeting of said board in the month of April, there shall be appointed one trustee for the term of six years. In case of a vacancy occurring in said board of trustees by death, removal from said city, resignation or otherwise, the said board of education shall appoint a person to fill the said vacancy. Each trustee so appointed shall hold his office for a term of six years, or until his successor shall have been appointed and shall have qualified.

SEC. 262. Said board of trustees shall be a body corporate by the name and style of the Board of Trustees of the Bay City Public Library and by that name may sue and be sued, acquire, hold and convey property, and shall be subject to all the general laws of the State relative to corporations, so far as the same may be applicable. The books, pamphlets, papers, book cases and other property now belonging to the public library of Bay City, which are now held and controlled by the board of trustees of the public library of Bay City, shall belong to and be subject to the care, custody and control of the said trustees of the said Bay City public library, and the title thereto shall be vested in the said board of trustees of the Bay City public library; all public money which is now or which shall be hereafter appropriated by law to the support of the Bay City public library shall be expended under the direction of said trustees, and the title to the property therewith purchased shall vest in such board of trustees. The treasurer of Bay City shall be treasurer of said board and no money legally appropriated to the support of said library shall be paid out by such treasurer, except in pursuance of an order or resolution of said board of trustees, upon a warrant signed by the president of said board of trustees, and

countersigned by the secretary thereof. The said board of trustees shall not expend any of said money for any purpose other than building up and maintaining of said Bay City public library. The common council of said city shall annually raise by tax upon the real and personal property within said city, the sum of two thousand dollars and said council may annually, in its discretion, raise by tax a further sum not exceeding three thousand dollars, which money shall be appropriated to the purpose of said library and be payable as hereinbefore provided. Said taxes shall be levied and collected in the same manner as the moneys raised to defray the general expense of the city. Said board of trustees shall keep and maintain said public library as a free circulating library for the use of the inhabitants of the said Bay City, over ten years of age, and they may make all such reasonable rules and regulations relative to the use of said library as they may deem expedient, and to that end they may impose fines for detaining a book longer than the time prescribed in such regulations, or for mutilating or destroying books: *Provided, however,* That the fine chargeable in any case shall not exceed the value of the books so detained, mutilated or destroyed. Such board of trustees may require security to be given by persons applying for books, for the faithful compliance with said rules and regulations, before such person shall be permitted to take books from said library. Said board of trustees shall adopt such rules and regulations as may be deemed advisable.

Moneys, how expended.

Amount raised by tax for library.

Taxes, how levied, etc.

May make rules and impose fines.

Proviso as to fine.

Security may be required.

SEC. 263. Said board of trustees shall have power to acquire and hold such property as may be suitable and convenient for library purposes, and to receive gifts and legacies. All the property of such board of trustees shall be exempt from execution or other judicial process, and shall also be exempt from all taxes or assessments, except taxes for local improvements. Said board of trustees shall annually, in the month of July, make and publish a report showing the condition of its library and the manner in which the moneys received by it during the current year have been expended: *Provided,* That said trustees shall not contract any indebtedness without the consent of the common council of Bay City.

May hold property, etc.

Property exempt from execution, etc.

To make annual report.

Proviso as to contracting indebtedness.

SEC. 264. The president of the board of education of said city shall be ex-officio chairman of the board of trustees of said public library and entitled to participate in its proceedings and in case of a tie, to cast the deciding vote, and the librarian of said library shall be secretary of said board.

Who to be chairman and secretary.

SEC. 266. The treasurer of said city shall be the treasurer of such board of trustees of said Sage Public Library and no money legally appropriated to the support of said public library shall be paid by said treasurer, except in pursuance of an order of said board of trustees, upon a warrant signed by the president of said board and countersigned by the sec-

Sage Library, who to be treasurer of.

Moneys, how expended.

retary thereof. Said board of trustees shall not expend any of said money for any purpose other than the building up and maintaining of said library, or the building and grounds connected therewith.

Council to make annual appropriation.

SEC. 267. The common council of said city shall annually raise by tax on the real and personal property within said city the sum of one thousand dollars, which amount the said council may, at its discretion, raise to a sum not exceeding two thousand dollars, which money shall be appropriated for the annual addition of books to said library and for binding, repairing and caring for the same. Said council shall also appropriate from the moneys raised for general purposes in said city each year, a sum sufficient to pay for the services of a janitor, librarian and assistants to keep said library, reading room, building and grounds attached thereto in proper condition and repair, and properly heated and lighted from eight o'clock in the morning to nine o'clock in the evening of each week day in the year. Such taxes shall be levied and collected in the same manner as the money raised to defray the general expenses of the city.

Taxes, how collected, etc.

Powers and duties of trustees.

SEC. 268. The said board of trustees shall keep and maintain said library as a free circulating library for the use of the inhabitants of Bay City over ten years of age, and they may make all such reasonable rules and regulations relating to the use of such library as they may deem expedient. To that end, they may impose and collect fines for detaining books longer than a certain time, for mutilating or destroying, or in any way injuring any book: *Provided*, That no fine shall, in any case, exceed the value of the book so mutilated, lost, detained or destroyed, and they may require security to be given for a faithful compliance with the said regulations, before such person shall be permitted to take books from said library. Such library and reading room shall be by said board kept open during each work day of each week in the year, and at least three evenings of each week, so that patrons thereof can with comfort occupy said rooms for reading or lectures, or debates, under such rules and regulations as may be prescribed by said board of trustees.

Proviso as to fine.

May hold property, etc.

Property exempt from execution, etc.

To make annual report.

Proviso as to contracting indebtedness.

SEC. 269. Said board of trustees shall have power to acquire and hold such property as may be suitable or convenient for the purpose of a library, and to receive gifts and legacies of either real or personal property. The property of said board shall be exempt from execution or any other judicial process and shall also be exempt from all taxes and assessments. Said board of trustees shall annually, in the month of July, make and publish a report showing the condition of its library, and the manner in which all money received by it during the current year has been expended: *Provided*, That said trustees shall not contract any indebtedness in any year beyond the amount provided for in this act, without the consent of the common council of said city.

SEC. 270. Henry W. Sage of Ithaca, New York, now deceased, having heretofore given and conveyed a building, grounds and library to the said board of trustees, and designated it "The Sage Public Library," and appointed, pursuant to an act of the legislature of the State of Michigan, five citizens of said city as members of said board of trustees, who should hold office for a term of five years from the date of such appointment, which appointment was filed with the recorder of West Bay City. The act of incorporation provided that such one of the five trustees as should be designated by said Henry W. Sage, should be president of said board of trustees, and the secretary of said board should be appointed by the board of trustees, and such secretary should hold his office during the pleasure of the board of trustees. The act further provided that at the end of the term of five years, for which said citizens should be appointed trustees by said Henry W. Sage, the said board should appoint five trustees in place of the aforesaid five trustees appointed by said Henry W. Sage, whose term of office when then first appointed, should be as follows: One for one year, one for two years, one for three years, one for four years, and one for five years, and at the expiration of the term of each outgoing trustee there should be appointed one member for five years by the members of the board of trustees; and after the said term of five years, the president of such board should be elected annually by the board of trustees. Said system of election of trustees shall be continued as provided in said act.

Proceedings upon donation of Sage library by Henry W. Sage.

Who to be president and secretary.

Trustees, term of office.

SEC. 271. The moneys from fines and penalties provided by law to go to the library funds of said city shall be divided between the public libraries on the east and west side of the Saginaw river pro rata according to the number of persons between the ages of five and twenty years respectively in each of said localities. Any and all sums of money belonging to or due said board of trustees from the former city of West Bay City, shall be and continue the property of the said board of trustees of the Sage library.

Moneys from fines, etc., how divided.

SEC. 272. In case any member of the board of trustees shall remove from the city he shall vacate his office by so doing and in case such vacancy shall be caused by the removal of any clergyman of any of said church societies, his successor shall become a member of the board, and in case a vacancy shall be caused by the death, resignation or removal of one of the trustees, other than the resident clergymen, the principal of the said school, the chairman of the board of trustees of said district, or the mayor of the city, the board shall fill such vacancy by appointment.

Vacancies in board of trustees, how filled.

SEC. 273. All acts or parts of acts repugnant to or in conflict with this act or any of the provisions hereof, are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved June 17, 1907.

[No. 637.]

AN ACT to authorize the city of Onaway, in the county of Presque Isle, to borrow money and issue bonds therefor, for the purpose of erecting a city hall and furnishing it.

*The People of the State of Michigan enact:*

Borrow money  
and issue  
bonds to erect  
city hall.

Proviso,  
relative to  
approval of  
electors.

Submission of  
question to  
electors.

Notice to  
electors of  
question.

Special  
election,  
notice of, if  
ordered.

Form of  
ballot.

Election, how  
conducted.

SECTION 1. The common council of the city of Onaway, in the county of Presque Isle, is hereby authorized and empowered to borrow money in the name and on the faith and credit of said city, and issue bonds therefor to an amount not exceeding ten thousand dollars, to be expended in erecting a new city hall and furnishing it: *Provided*, That a majority of the electors of said city voting on such proposition at a regular or special election held in accordance with the provisions of this act, shall vote in favor of such loan, and not otherwise.

SEC. 2. The question of raising said money shall be submitted by the common council to the electors of said city at any annual election held in said city after this act shall take effect, or a special election called for that purpose, and the common council is hereby authorized and empowered to order a special election for the purpose of having the question of raising said money voted upon by the electors of the said city, whenever a special election for that purpose is deemed necessary.

SEC. 3. If the question of raising said money is submitted to the electors of said city at an annual election, notice that the same will be so submitted shall be included in the notice of such election required to be given by section four of chapter six of the charter of said city, and published as a part of such notice in the same manner as such notice is required to be published. If the common council under the provisions of this act shall order a special election for the purpose of submitting the question of raising said money to the electors of said city public notice of such election and that the question of raising said money will be submitted to the electors of said city of Onaway thereat, shall be given by order of the common council, signed by the city clerk, by publishing the same in a newspaper in said city once in each week for at least two weeks immediately preceding such special election, and by posting a copy of such notice in at least five public places in said city not less than two weeks before such special election, and the time fixed for such special election shall be sufficient in which to give such notice.

SEC. 4. The vote upon such proposition shall be by printed ballot in the following words: "For bonding the city of Onaway to erect a city hall and furnishing it, Yes ( )." "For bonding the city of Onaway to erect a city hall and furnishing it, No ( )." If the question of raising said money is submitted to the electors of said city either at an annual



or at a special election ordered by the common council for that purpose, such annual or special election shall be held and conducted and the votes thereat canvassed in the same manner as other city elections, and immediately upon the conclusion of such canvass the inspectors shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against it. Said inspectors shall indorse upon such certificate a declaration of the result of such election, which certificate and declaration shall then be filed with the city clerk of said city. If it is voted on at an annual election the ballot shall be placed in a separate box and marked "bonding proposition," and shall be canvassed and the result declared in the same manner as all other matters voted upon at such annual election.

SEC. 5. If such loan shall be authorized by majority of the electors voting on such proposition at the election at which it is submitted to them, bonds may be issued in such sums, not exceeding in all the sum of ten thousand dollars, and payable at such times, not exceeding ten years after the date thereof, and at such rate of interest, not exceeding five per cent per annum, as the common council of said city may by ordinance direct, and such bonds shall be signed by the mayor and countersigned by the city clerk of said city, and negotiated by and under the direction of said common council, for a sum not less than the par value thereof, and the money arising therefrom shall, under the direction of the common council, be applied for the purpose for which said money was raised, and for no other purpose; and the said common council shall have the power and it shall be their duty to raise by tax upon the taxable property of said city such sum or sums, not to exceed two per cent of the assessed valuation, in addition to and in excess of the amounts provided in sections five, six and nine of chapter thirty-three of the city charter, from time to time as may be necessary to pay said bonds and the interest thereon when the same shall become due, and such sum or sums when so raised shall be applied for the purpose of paying the city hall bonds and the interest thereon and shall be placed in a fund for that purpose to be known as the city hall fund.

Bonds, issue  
of, if electors  
authorize;  
form of,  
interest,  
provision for  
tax, etc.

This act is ordered to take immediate effect.

Approved June 17, 1907.

[No. 638.]

AN ACT to amend section six of chapter nine of act number two hundred forty-nine of the local acts of eighteen hundred ninety-one, entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," as amended by act number two hundred fifty-three of the local acts of eighteen hundred ninety-seven.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section six of chapter nine of act number two hundred forty-nine of the local acts of eighteen hundred ninety-one, entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," as amended by act number two hundred fifty-three of the local acts of eighteen hundred ninety-seven, is hereby amended to read as follows:

#### CHAPTER IX.

Deputies,  
certain  
appointment  
of.

SEC. 6. The controller, recorder and treasurer shall each have authority to appoint and employ, subject to the approval of the common council, one deputy, but without cost to the city for the services of such deputy unless specially provided for and allowed in advance by the common council, and for whose official acts the principal and his bondsmen shall be responsible; which deputy upon duly qualifying shall be authorized to perform any and all the duties of his principal in the name of such principal; but any such appointment may be revoked at any time by the officer making the same and another appointed as such deputy, subject to the approval of the common council.

This act is ordered to take immediate effect.

Approved June 17, 1907.

[No. 639.]

AN ACT to amend act number five hundred eighty-six of the local acts of nineteen hundred five, approved June one, nineteen hundred five, and entitled "An act to incorporate the city of Charlevoix, county of Charlevoix, State of Michigan," by adding one new section thereto to be known and designated as section eleven a.

*The People of the State of Michigan enact:*

Section added.

SECTION 1. Act number five hundred eighty-six of the local acts of nineteen hundred five, approved June one, nineteen

hundred five, and entitled "An act to incorporate the city of Charlevoix, county of Charlevoix, State of Michigan," is hereby amended by adding one new section thereto to be known and designated as section eleven a, to read as follows:

SEC. 11a. The city of Charlevoix as hereby incorporated, shall have power to enact ordinances to restrain, license, regulate and limit the number of saloons and other places where intoxicating or spirituous liquors, malt, brewed, fermented, spirituous, or vinous liquors are sold, or to be sold, or stored, and to regulate and prescribe the location thereof; to prescribe that only reputable persons shall conduct such business and to determine the question of the fitness of each applicant for a license therefor; to forbid and prevent the vending or other disposition of any intoxicating liquors in violation of the laws of the State; and to fix proper penalties and punishment for the violation of such ordinance: *Provided*, That nothing in this section contained shall be construed as giving said city power to license, regulate or limit the number of drug stores duly licensed by the State of Michigan to sell any or all of the liquors above mentioned.

This act is ordered to take immediate effect.

Approved June 17, 1907.

[No. 640.]

AN ACT to amend section nine of title three of act number five hundred sixty-six of the local acts of the legislature of the State of Michigan for the year nineteen hundred five, entitled "An act to revise and amend the charter of the city of Saginaw."

*The People of the State of Michigan enact:*

SECTION 1. Section nine of title three of act number five hundred sixty-six of the local acts of the legislature of the State of Michigan for the year nineteen hundred five, entitled "An act to revise and amend the charter of the city of Saginaw," is hereby amended to read as follows:

### TITLE III.

SEC. 9. The common council may ascertain, establish and settle the boundaries of all streets and alleys in said city, prevent and remove all encroachments thereon, and exercise all other powers conferred upon them by this act, in relation to highways, the prevention of fires and levying of taxes; they shall have power to advertise for proposals and contract for the lighting by gas, electric or other lights, of the streets,

Liquor  
business,  
regulation of.

Section  
amended.

Boundaries of  
streets and  
alleys, estab-  
lishment of.

Lighting,  
advertising for.

Lighting  
system,  
construction  
of.

Transient  
traders and  
dealers.  
Public safety  
and welfare.

Coal and  
other minerals,  
mining of.

Proviso  
relative to  
council  
regulating.

Further  
proviso.

public buildings, parks and spaces for the term of not less than one nor more than ten years, under any one contract; or they may provide for the construction of works for lighting to be owned and operated by the city itself. They may also require transient traders and dealers to take out licenses. And in addition to all other powers hereinbefore granted, may make and enforce all such other and further ordinances, not inconsistent with the constitution or general laws of the State, as they shall deem the public safety and welfare of said city to require. The mining and removal of coal or other minerals, and the making of entries, rooms or other openings for that purpose under and within the boundaries of any of the public streets, avenues, alleys, parks, grounds, buildings and bridges of the city of Saginaw, and within two hundred feet of any public building within said city and under the Saginaw river within said city, excepting that part of said river lying between a line running easterly and westerly one thousand feet south of the Mackinaw street bridge and a line running easterly and westerly seven hundred feet north of the Center street bridge, in said city, except by the city of Saginaw for its own necessary public uses, are hereby expressly prohibited: *Provided*, That the common council may prescribe proper regulations for the construction of suitable crossovers in such streets, avenues and alleys for the purpose of reaching coal to be mined: *Provided further*, That nothing herein contained shall prohibit the use of entries already constructed in said public streets, avenues and alleys for the transportation of coal in mining operations.

This act is ordered to take immediate effect.

Approved June 18, 1907.

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[No. 641.]

AN ACT to authorize the township board of the township of Koehler, in the county of Cheboygan and State of Michigan, to accept surety company bonds from liquor sellers, to charge and collect a license, in addition to the tax now or hereafter required by law to be paid, and to limit the number of places where liquor may be sold in said township to two places.

*The People of the State of Michigan enact:*

Surety com-  
pany bonds  
from liquor  
sellers,  
acceptable.

SECTION 1. All bonds required by act number three hundred thirteen of the public acts of eighteen hundred eighty-seven, and the amendments thereto, of persons engaged in the business of selling and keeping for sale any spirituous and intoxicating liquors, and malt, brewed or fermented

liquors and vinous liquors in said township of Koehler, except druggists, may be executed by the principal, together with a surety company, authorized to act as surety or guarantor as provided by law in other cases, said surety company to be approved by the township board of said township of Koehler.

SEC. 2. The township board of said township of Koehler is hereby authorized to charge and collect from all persons who are desiring to engage in the business of selling and keeping for sale any spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors in said township of Koehler, except druggists, a license fee not to exceed the sum of five hundred dollars, in addition to the tax now or hereafter required by law to be paid.

Local license fee, township board to charge and collect.

SEC. 3. The number of places where the business of selling and keeping for sale of any spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors shall be carried on within said township of Koehler shall not exceed two, to be designated and determined by the township board of said township of Koehler.

Limiting number of places where liquor is sold.

This act is ordered to take immediate effect.

Approved June 18, 1907.

[No. 642.]

AN ACT to amend section two of title seventeen of act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the board of education and the board of library commissioners."

*The People of the State of Michigan enact:*

SECTION 1. Section two of title seventeen of act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the board of education and the board of library commissioners," is hereby amended to read as follows:

Section amended.

SEC. 2. Justices of the peace in said city, except in the case of vacancies as hereinafter provided, shall be elected at the annual charter elections held therein, and shall hold their offices for a term of four years from and after the fourth day of July succeeding their election, and until their successors are elected and qualified. In case of the death, disbarment, resignation or removal from office or removal

Justices of peace, election of and term of office.

Death, removal, etc.

Vacancy in office of justice or clerk of justice court.

Clerk, when to qualify.

Justice, when to qualify.

from the city of either of the said justices of the peace, his office shall be deemed vacant. The same causes shall be deemed to constitute a vacancy in the office of clerk of said justice court. If, for any cause, a vacancy shall occur in the office of justice or clerk of said justice courts, the mayor of said city shall nominate a suitable person, subject to confirmation by a majority vote of the members elect of the common council of the city of Grand Rapids, to serve until the successor of such officer, whose office has become vacant, shall have been elected at the next general municipal election and shall have qualified. The person so elected clerk of said justice court at such general municipal election shall qualify for the position upon the first Monday of May next after he shall have been elected thereto for the balance of the unexpired term. The person so elected justice of the peace of said court at such general municipal election shall qualify for the position upon the first Monday of May next succeeding after he shall have been so elected thereto for the balance of the unexpired term.

This act is ordered to take immediate effect.

Approved June 18, 1907.

[No. 643.]

AN ACT to authorize the city of Grand Rapids to borrow not to exceed three hundred thousand dollars on trunk sewer bonds, and to provide for the levy and collection of taxes to meet the same.

*The People of the State of Michigan enact:*

Borrow money and issue bonds for certain sewers.

SECTION 1. For the purpose of meeting the expenses of establishing and constructing trunk sewer or sewers upon either side of Grand river, from or near the south city limits of said city, so far up the river along or near either bank thereof, as may be found necessary by the common council of the city of Grand Rapids, in anticipation of the collection of assessments and taxes to defray the expense and cost thereof, the said common council may, by majority vote by resolution, at any time within five years from the approval of this act, in addition to the sewer bonds now authorized to be issued by the general provisions of the city charter, authorize and direct the mayor, comptroller and clerk of the city of Grand Rapids to borrow such sum as may be found necessary, not to exceed three hundred thousand dollars, for such purpose and to issue the bonds of said city therefor, bearing interest at a rate not exceeding five per cent. per annum, with interest coupons attached, which said bonds shall be signed by the mayor, countersigned by the comptroller of said city and sealed by the clerk of said city with the seal

of said city. Said bonds shall be made payable in equal amounts each year, for a period not exceeding five years from the date of their issue, as the common council may direct. The said bonds shall be indorsed "Trunk Sewer Bonds" and shall be lettered and numbered by the city clerk consecutively. Said bonds shall not be sold for less than par, and shall be payable at the office of the city treasurer and by him placed to the credit of the trunk sewer bond and interest fund. All such bonds shall be paid at maturity and cancelled, and shall not be reissued or refunded.

Bonds, when payable.

Indorsement, etc.

Negotiation.

SEC. 2. If the common council of said city shall by resolution determine that the whole or any part of said improvement shall be defrayed by an assessment upon the owners of real estate to be benefited by said improvement, after having ascertained the estimated expense of said improvement, it shall declare by an entry in its minutes which proportion thereof shall be assessed to such owners, specifying the whole sum to be assessed and the portion of the city which it deems benefited by such improvements. The cost and expense of making estimates, plans and assessments incidental thereto, shall be included in the expense of such improvement. The issuing of such bonds or such part or portion thereof as may be found necessary by the common council of the city of Grand Rapids, shall be permissive on the part of said common council, within the limits herein contained.

Assessment, defraying cost, by.

Cost and expense of plans, etc.

SEC. 3. All provisions of title six of an act to revise the charter of the city of Grand Rapids, approved June six, nineteen hundred five, relative to the streets and public improvements, and relative to ascertaining the cost of ordering improvements and assessing the cost of making assessment rolls and street or sewer improvements, except as herein otherwise provided, shall be applicable to the ascertainment of the cost of the trunk sewers herein provided for, as well as the manner and method of payment of such bonds. The assessment of the amount thereof upon any district made or to be made for the purpose of meeting the said bonds and the right of appeal from any assessment roll made thereon, and each and every of the provisions of said title six, so far as applicable, shall apply to and be controlling as to the trunk sewers herein provided for, in the preparation of assessment districts, assessment rolls and taxes thereon. It is expressly provided that said bonds or the avails thereof shall only be used in defraying the expense of said trunk sewers for which they were issued: *Provided, however,* That if there shall be any surplus left from any bonds issued and sold, after meeting all claims for said improvements for which they were issued, the same shall be turned into the general fund of said city.

Provisions applicable.

Idem.

Proviso.

SEC. 4. All acts or parts of acts inconsistent with this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 18, 1907.

[No. 644.]

AN ACT to provide for the assessment of property and collection of taxes thereon, in that part of the township of Clay, St. Clair county, Michigan, known as St. Clair Flats, and bounded by the waters of the North channel, the South channel and the open waters of Lake St. Clair, except private claims numbers one, two, three, four and five, Harsen's island, and private claim in Dickinson's island, each of said private claims containing, according to original survey, six hundred forty acres.

*The People of the State of Michigan enact:*

Personal  
property,  
what to be  
deemed.

SECTION 1. All personal property and all houses, dwellings, barns, boat houses and other buildings of every kind and nature, situated in that part of the township of Clay, St. Clair county, Michigan, known as St. Clair Flats, and bounded by the waters of the North channel, South channel and the open waters of Lake St. Clair, except private claims numbers one, two, three, four and five, Harsen's island and private claim on Dickinson's island, each of said private claims containing, according to original survey, six hundred forty acres, shall be deemed personal property for the purpose of taxation and shall be assessed as personal property to the owners of the same in the township of Clay, St. Clair county, Michigan.

Taxation,  
provisions  
relative to,  
to apply.

SEC. 2. All the provisions of chapter ninety-eight of the Compiled Laws of eighteen hundred ninety-seven, and any amendments and additions thereto, relative to assessment, levy and collection of taxes shall apply to the assessment, levy and collection of taxes upon said personal property, as provided for in section one of this act.

This act is ordered to take immediate effect.

Approved June 18, 1907.



[No. 645.]

AN ACT to legalize and make valid the unpaid claims of certain persons for money borrowed of them by the county treasurer of the county of Shiawassee and used in the construction of the court house, and to pay certain floating indebtedness of said county, and to authorize the board of supervisors of said county to borrow money and issue bonds therefor, for the payment of said claims.

*The People of the State of Michigan enact:*

SECTION 1. The unpaid claims of the following named persons for money borrowed of them by the county treasurer of the county of Shiawassee, and used in the construction of the court house and to pay certain floating indebtedness of said county as follows: John T. McCurdy, ten thousand dollars principal, and interest thereon at four per cent. per annum, from and after the fifteenth day of October, nineteen hundred five; Catherine Moxley, six thousand five hundred dollars principal, and interest on three thousand five hundred dollars of said principal sum from and after the fifth day of January, nineteen hundred five, on two thousand dollars of said principal sum from and after the fourteenth day of November, nineteen hundred five, and on the remaining one thousand dollars of said principal sum, from and after the twenty-second day of November, nineteen hundred five, at four per cent. per annum; Susan McCarthy, one thousand dollars principal, and interest thereon from and after the twenty-second day of November, nineteen hundred five, at four per cent. per annum; Richard F. Kay, one thousand dollars principal and interest thereon from and after the fourteenth day of November, nineteen hundred five, at four per cent. per annum; Hugh McCurdy, thirty thousand dollars principal, and interest on ten thousand dollars of said principal sum from and after the sixteenth day of May, nineteen hundred five, on ten thousand dollars of said principal sum, from and after the fifth day of October, nineteen hundred five, and on the remaining ten thousand dollars of said principal sum from and after the sixteenth day of November, nineteen hundred five, at four per cent. per annum; and Citizens' Savings Bank of Owosso, twenty thousand dollars principal, and interest on ten thousand dollars of said principal sum, from and after the first day of April, nineteen hundred five, on five thousand dollars of said principal sum, from and after the twenty-seventh day of September, nineteen hundred five, and on the remaining five thousand dollars of said principal sum, from and after the thirtieth day of September, nineteen hundred five, at four per cent. per annum, are hereby legalized and declared to be valid and binding obligations against said county of Shiawassee, in favor of the persons and in the respective amounts above named, together with interest on said amounts respectively

Unpaid claims  
legalized.

Proviso,  
relative to  
borrowing  
money and  
issuing bonds  
to pay said  
claims.

as above stated: *Provided*, A majority of the qualified electors of said county voting on the question of borrowing money and issuing the bonds of the county therefor to pay said obligations, at any special election at which said question is submitted in accordance with the provisions of this act, shall vote in favor thereof and not otherwise, and the board of supervisors of said county is hereby authorized and empowered to borrow not exceeding eighty thousand dollars on the faith and credit of said county and issue bonds therefor, for the purpose of paying said obligations to the persons entitled thereto: *Provided*, That a majority of the qualified electors of said county voting on such proposition at any special election, held in accordance with the provisions of this act, shall vote in favor of such loan, and not otherwise.

Proviso.

Submission of  
question to  
electors.

SEC. 2. The question of borrowing a sum of money, not exceeding the sum of eighty thousand dollars, and issuing bonds therefor for the purpose of paying said obligations, shall be submitted by the board of supervisors to the qualified electors of said county of Shiawassee at a special election called for that purpose, not later than the fifteenth day of August in the year nineteen hundred seven, and the board of supervisors of said county is hereby authorized and empowered to order a special election to be held at a date not later than the fifteenth day of August, nineteen hundred seven, for the purpose of having the question of the borrowing a sum of money, not exceeding eighty thousand dollars, and issuing bonds therefor, for the purpose of paying said obligations, voted upon by the qualified electors of said county. If, at the special election above provided for, a majority of the qualified electors voting on the question of borrowing said money and issuing bonds therefor, for the purpose of paying said obligations, shall not vote in favor thereof, then said board of supervisors is hereby authorized and empowered to order a special election for the purpose of having the question of borrowing a sum of money, not exceeding eighty thousand dollars, and issuing bonds therefor, for the purpose of paying the obligations mentioned in section one of this act and interest thereon as stated in said section, voted upon by the qualified electors of said county, after said fifteenth day of August in the year nineteen hundred seven, whenever and as often as a special election for that purpose is deemed advisable by said board of supervisors. If, at any time when said question is submitted to the qualified electors of said county, a majority of said electors of said county voting thereon shall not vote in favor thereof, then the board of supervisors may, in its discretion, submit the question of raising a sum not exceeding eighty thousand dollars and issuing bonds therefor, for the purpose of paying the obligations mentioned in section one of this act and interest thereon as stated in said section, thereafter as often as it may deem it advisable: *Provided*, The same is submitted

Special  
election,  
board of  
supervisors,  
may call.

Special  
elections, may  
call when  
deemed  
advisable.

Proviso.

at a special election called for that purpose: *Provided further*, That whenever the question of raising money for the purpose of paying said obligations and the interest thereon is submitted to the qualified electors of said county in pursuance of the provisions of this act, the board of supervisors shall submit the question of raising the specific sum of money necessary to pay the obligations specified in section one of this act, and the interest thereon as stated in said section at that time, which sum shall be ascertained by adding to the total amount of the principal sums of said obligations the interest on each of said obligations, computed thereon at four per cent. per annum from the time interest is payable thereon as stated in section one of this act, until the date of the submitting of said question: *Provided, however*, Said amount shall not exceed eighty thousand dollars in all.

Further proviso, relative to amount due.

Proviso.

SEC. 3. At any special election at which the question of raising said money for the purpose of paying the obligations mentioned in section one of this act and the interest thereon, as stated in said section, is submitted to the qualified electors of said county of Shiawassee under the provisions of this act, public notice of such special election, and that the question of raising a specific sum of money, not exceeding eighty thousand dollars, for the purpose of paying said obligations and interest, will be submitted to the qualified electors of said county thereat, shall be given by order of the board of supervisors, signed by the county clerk, by publishing said notice in at least three newspapers printed, published and circulating in said county of Shiawassee once in each week for at least three weeks immediately preceding the time fixed for such special election, and by posting a copy of such notice in at least five public places in each of the several townships and wards in said county, not less than two weeks before the time fixed for holding such special election, and the time fixed for holding such special election shall be sufficient in which to give the notice required by this act.

Notice of election, and purpose, publication of.

SEC. 4. The vote upon such proposition, whenever submitted, shall be by printed ballots, which ballots shall be printed separately and contain the following words respectively: "For bonding the county to repay money borrowed by the county treasurer and used in the construction of the court house, and to pay certain floating indebtedness of the county, Yes;" "For bonding the county to repay money borrowed by the county treasurer and used in the construction of the court house and to pay certain floating indebtedness of the county, No." The inspectors of election in each township and ward in said county shall have charge of and conduct all special elections at which the question of raising said money is submitted to the qualified electors of said county, and they shall have the same powers, perform the same duties, receive the same compensation, conduct such special election, canvass the votes cast thereat, and make

Form of ballots.

Election inspectors, powers and duties relative to said election.

return thereof in the same manner in all respects as is provided by the laws of the State of Michigan in case of a general election.

Favorable  
vote by  
electors;  
authorized  
action in case  
of.

SEC. 5. If, at any election when the question of raising said money for the purpose of paying the obligations mentioned in section one of this act, and the interest thereon as stated in said section one, is submitted to the qualified electors of said county, a majority of the qualified electors of said county voting thereon shall vote in favor thereof, the board of supervisors shall, and it is hereby empowered and authorized to issue the bonds of the county in such sum, not exceeding in all the sum of eighty thousand dollars, in such denominations and payable at such time or times and at such rate of interest, not exceeding four per cent. per annum, as said board of supervisors may by resolution determine, and such bonds shall be signed by the county treasurer and countersigned by the county clerk of said county, and negotiated by and under the direction of the county treasurer of said county, for a sum not less than the par value thereof, and the money arising therefrom shall, when received by the county treasurer, be used by him for the purpose for which said money was raised and for no other purpose, and the board of supervisors of said county shall have the power, and it shall be its duty, to raise by tax upon the taxable property of said county, such sum or sums as shall be sufficient to pay said bonds and the interest thereon, as the same shall become due.

This act is ordered to take immediate effect.

Approved June 18, 1907.

[No. 646.]

AN ACT to authorize and empower Max Sells, his heirs and assigns, to construct and maintain upon the Brule river within the State of Michigan, so much of a dam as may be within the limits of said State, forming a part of the dam on the Wisconsin bank of said river, upon sections seventeen and eighteen, township forty-one north, range thirty-one west, and section two, township forty-one north, range thirty-two west, in Iron county, Michigan, or any of said sections.

*The People of the State of Michigan enact:*

Dam,  
authorizing  
construction  
of.

SECTION 1. Max Sells, his heirs or assigns, is hereby authorized and empowered to build, construct and maintain, upon sections seventeen and eighteen, township forty-one north, range thirty-one west, and section two, township forty-one north, range thirty-two west, in Iron county, Michigan, or either of said sections, so much of a dam as may be within

the boundaries and limits of the State of Michigan, to connect with and form a part of the dam extending from the Michigan to the Wisconsin bank of said river, and to make use of the water power furnished thereby as he, or they, may from time to time see fit.

SEC. 2. The said dam shall be so constructed and maintained as to permit the free passage on the waters of said river of such articles of commerce as may be from time to time carried or floated thereon; and the said Max Sells, his heirs and assigns, shall construct and maintain therein and thereabouts, at their own expense, suitable slides, chutes and other appliances of proper character and sufficient dimensions to permit the free passage of logs and other forest products and the articles of commerce carried or floated on said river; said slides, chutes or other appliances in or about said dam shall be kept open and available at all times when there are logs or other forest products or articles of commerce ready to be passed over said dam, and shall be so constructed, used and maintained as not to unduly or unnecessarily obstruct, hinder, impede or delay the navigation, or use of said river for the driving or floating of logs or other forest products or articles of commerce thereon.

SEC. 3. Said dams so erected shall be provided with a fish chute sufficient to admit the free and uninterrupted passage of fish up and down said stream at all times, and said fish chute shall at all times be kept in good repair. In case the owner of said dam neglects or refuses to construct and keep in good repair, or to keep open said fish chute, he will be deemed guilty of a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, he shall be punished by a fine of not exceeding two hundred dollars, or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, in the discretion of the court.

Approved June 18, 1907.

[No. 647.]

AN ACT to authorize and empower E. W. Hopkins, his heirs and assigns, to construct and maintain upon the Menominee river, within the State of Michigan, so much of a dam as may be within the limits of said State, forming a part of the dam on the Wisconsin bank of said river upon sections one, eleven and twelve, township forty north, range thirty west, in Dickinson county, Michigan, or any of said sections.

*The People of the State of Michigan enact:*

Dam,  
authorizing  
construction  
of.

SECTION 1. E. W. Hopkins, his heirs or assigns, is hereby authorized and empowered to build, construct and maintain upon sections one, eleven and twelve, township forty north, range thirty west in Dickinson county, Michigan, or either of said sections, so much of a dam as may be within the boundaries and limits of the State of Michigan, to connect with and form a part of the dam extending from the Michigan to the Wisconsin bank of said Menominee river, and to make use of the water power furnished thereby as he or they may, from time to time, see fit.

Manner of  
construction.

Slides,  
chutes, etc.,  
to be  
maintained.

When kept  
open.

SEC. 2. The said dam shall be so constructed and maintained as to permit the free passage of the waters of said river of such articles of commerce as may be, from time to time, carried or floated thereon. And the said E. W. Hopkins, his heirs and assigns, shall construct and maintain therein and thereabouts, at their own expense, suitable slides, chutes and other appliances of proper character and sufficient dimensions to permit the free passage of logs and other forest products and the articles of commerce carried or floated on said river; said slides, chutes or other appliances in or about said dam shall be kept open and available at all times when there are logs or other forest products or articles of commerce ready to be passed over said dam and shall be so constructed, used and maintained as not to unduly or unnecessarily obstruct, hinder, impede or delay the navigation or use of said river for the driving or floating of logs or other forest products or articles of commerce thereon.

Fish chutes,  
to be  
maintained.

Neglect or  
refusal,  
penalty for.

SEC. 3. Said dams so erected shall be provided with a fish chute sufficient to admit the free and uninterrupted passage of fish up and down said stream at all times, and said fish chute shall at all times be kept in good repair. In case the owner of said dam neglects or refuses to construct and keep in good repair, or to keep open said fish chute, he will be deemed guilty of a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, he shall be punished by a fine of not exceeding two hundred dollars or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, in the discretion of the court.

This act is ordered to take immediate effect.

Approved June 18, 1907.

[No. 648.]

AN ACT to amend section two of chapter one, section one of chapter two, section one of chapter three, section one of chapter four, sections one and two of chapter five, section one of chapter six, section two of chapter eleven, section twenty of chapter sixteen, sections twenty-five, twenty-six and twenty-nine of chapter twenty-two, section seventeen of chapter twenty-three, section two of chapter twenty-five, and section two of chapter twenty-seven of act number four hundred seventy-five of the local acts of eighteen hundred ninety-seven, entitled "An act to reincorporate the city of Kalamazoo and to repeal an act entitled 'An act to incorporate the city of Kalamazoo,' and to repeal an act entitled 'An act to reincorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts,' approved March fifteen, eighteen hundred sixty-one, as amended by the several acts amendatory thereof,' approved June eight, eighteen hundred eighty-three, as amended by the several acts amendatory thereof, and to repeal all inconsistent acts and parts of acts," approved June two, eighteen hundred ninety-seven, as amended by the several acts amendatory thereof, and to add a section to chapter five of said act, to stand and be known as section ten, and to add eight sections to chapter sixteen of said act, to stand and be known as sections forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, and forty-nine, and to add three chapters to said act, to stand and be known as chapters twenty-nine, thirty, and thirty-one, and to repeal all inconsistent acts and parts of acts.

*The People of the State of Michigan enact:*

SECTION 1. Section two of chapter one, section one of chapter two, section one of chapter three, section one of chapter four, sections one and two of chapter five, section one of chapter six, section two of chapter eleven, section twenty of chapter sixteen, sections twenty-five, twenty-six and twenty-nine of chapter twenty-two, section seventeen of chapter twenty-three, section two of chapter twenty-five, and section two of chapter twenty-seven of act number four hundred seventy-five of the local acts of eighteen hundred ninety-seven, entitled "An act to reincorporate the city of Kalamazoo and to repeal an act entitled 'An act to incorporate the city of Kalamazoo,' and to repeal an act entitled 'An act to reincorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts,' approved March fifteen, eighteen hundred sixty-one, as amended by the several acts amendatory thereof,' approved June eight, eighteen hundred eighty-three, as amended by the several acts amendatory thereof, and to repeal all inconsistent acts and parts of acts," approved June two, eighteen hundred ninety-seven, as amend <sup>Act amended.</sup>

ed by the several acts amendatory thereof, are hereby amended. and one section is added to chapter five of said act, to stand and be known as section ten and eight sections are added to chapter sixteen of said act, to stand and be known as sections forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight and forty-nine and three chapters are added to said act, to stand and be known as chapters twenty-nine, thirty and thirty-one, and all acts or parts of acts inconsistent herewith are repealed; said sections so amended and said sections and said chapters so added to read as follows:

## CHAPTER I.

City  
boundaries.

SEC. 2. That tract of country in the township and county of Kalamazoo and State of Michigan, and designated as follows: Beginning at a point one-quarter mile east of the quarter post on the north line of section fourteen in town two south, range eleven west, being the township of Kalamazoo; running thence south two and one-half miles to the southeast corner of the southwest quarter of the northeast quarter of section twenty-six; thence west to the southwest corner of the northwest quarter of section twenty-eight; thence north to the southwest corner of the northwest quarter of section nine; thence east along the east and west quarter lines of sections nine and ten to the west bank of the Kalamazoo river; thence northerly along the west bank of the Kalamazoo river to a point seven chains and eighty links south of the north line of section ten; thence east parallel with the said north line of section ten to the east line of the road running north and south between sections ten and eleven; thence south along the east line of said road to the north line of Riverside cemetery; thence east to the northwest corner of the southwest quarter of the southeast quarter of section eleven; thence south to the section line between sections eleven and fourteen; thence east along said section line to the place of beginning, is hereby constituted a city corporate so far as it is not already so constituted under the name of the city of Kalamazoo and subject to the municipal control of said corporation.

## CHAPTER II.

Ward  
boundaries.

SECTION 1. The city of Kalamazoo shall be divided into five wards with their several boundaries established as follows:

First ward.

First, Commencing at a point one-quarter mile east of the quarter post on the north line of section fourteen of the township of Kalamazoo, thence west one-quarter of a mile, thence north one-quarter of a mile, thence west to the east line of the highway mentioned in the preceding section; thence north along said highway to a point seven chains and



eighty links south of the northeast corner of section ten; thence west parallel with the north line of said section ten to the west bank of the Kalamazoo river; thence southerly along the said west bank of the Kalamazoo river to the east and west quarter line of the said section ten; thence west along the said north corporation line to the intersection of said north line with the center line of Burdick street, thence south along the said center line of Burdick street one-fourth of a mile, more or less, to the center line of Prouty street; thence west along said center line of said Prouty street prolonged westerly to the center of Rose street as prolonged; thence south on said center line of Rose street to the center of Main street; thence easterly along the center line of Main street, to the center of Kalamazoo avenue, thence east along the center line of Kalamazoo avenue and East avenue, crossing to the north bank of the Kalamazoo river as now located; thence easterly along the north bank of the river to the east line of the corporation; thence north to the place of beginning, shall constitute the first ward;

Second, Commencing at the intersection of the center line of Academy street as prolonged, with the west line of the corporation, running thence north on the west line of the corporation to the northwest corner of the corporation; thence east on the north line of the corporation to the intersection of said north line of the corporation with the center line of Burdick street; thence south along said center line one-fourth of a mile, more or less, to the center of Prouty street; thence west along said center line of Prouty street prolonged westerly to the center line of Rose street as prolonged; thence south on the center line of Rose street to the center line of Academy street; thence west on the center line of Academy street and Academy street prolonged to the place of beginning, shall constitute the second ward.

Third, Commencing at the point of intersection of the center of Park street and Academy street, thence west along the center of Academy street, and the prolongation west of the line of Academy street to the west line of said corporation; thence south on the west line of said corporation to the southwest corner of said corporation; thence east along the south line of said corporation to the center of West street; thence north along the center of West street to the center of Park Place; thence along the center line of Park Place to the center line of Park street; thence north along the center of Park street to the center of Academy street, shall constitute the third ward;

Fourth, Commencing at the point of intersection of the center of Main street and Portage street, thence along the center of Main street to the center of Rose street; thence along the center of Rose street to the center of Academy street; thence west along the center of Academy street to the center of Park street; thence south along the center of Park

street to the center line of Park Place; thence west along the center line of Park Place to the center of West street; thence south along the center of West street to the south line of said corporation; thence east along the south line of said corporation to the point of intersection of said line with the west line of lands of the Lake Shore & Michigan Southern Railway, constituting the line of said railroad as now established; thence north along the west line of said railroad lands, embracing the right of way of said road as now established, to the center of Portage street; thence northwesterly along the center of Portage street to the center of Main street, shall constitute the fourth ward;

**Fifth ward.** Fifth, Commencing at the point of the intersection of the north bank of the Kalamazoo river with the east line of said corporation; thence westerly along the north bank of said Kalamazoo river as now located to the center of East avenue; thence westerly along the center of East avenue and of Kalamazoo avenue to the point of intersection of Main street with said Kalamazoo avenue; thence southwesterly along the center of Main street to the point of intersection of Portage street with Main street; thence southeasterly along the center of Portage street to the west line of lands of the Lake Shore & Michigan Southern Railway at the present railroad crossing of Portage street by said railway, as now established; thence southwesterly along the west line of said lands of said railroad to the south line of said corporation; thence east along said corporation line to the southeast corner of said corporation; thence north along the east line of said corporation to the north meandered bank of the Kalamazoo river, shall constitute the fifth ward.

### CHAPTER III.

**City officers.** SECTION 1. The officers of said city shall be a mayor, clerk, municipal justice, treasurer, attorney, assessor, water commissioner, health officer, physician, chief of police, superintendent of fire department, engineer, superintendent of poor, superintendent of water works, superintendent of lighting plant, and two aldermen from each ward.

### CHAPTER IV.

**Municipal election, plurality vote, terms, etc.** SECTION 1. A municipal election shall be held each and every year on the first Monday in April. A plurality vote shall be necessary for the election of any officer. The terms of all officers provided for in this section shall begin on the second Monday in April immediately following their election. At the municipal election held in the year nineteen hundred eight and every year thereafter one person shall be elected as mayor, one person as treasurer and four persons as con-

**Mayor, treasurer, etc.**

stables, who shall respectively hold their offices for one year. At the municipal election held in nineteen hundred eight and every four years thereafter one person shall be elected as municipal justice, who shall hold his office for four years. The electors of each ward shall annually elect one person as alderman, who shall hold his office for two years. The mayor and alderman [aldermen] shall be and constitute the city council, and a majority shall constitute a quorum. The city clerk and any two aldermen appointed by the mayor for that purpose, shall constitute the election commission, who shall have charge of the preparation of the official ballots and such other matters as devolve upon similar officers under the general election laws of this State.

Municipal  
justice.Aldermen.  
Council,  
quorum.Election  
commission.

## CHAPTER V.

SECTION 1. The city council shall after the second Monday in April and on or before the first day of May, in each year, appoint a city clerk, attorney, water commissioner, city engineer, street commissioner, sexton, superintendent of water works, superintendent of lighting plant, and superintendent of parks. Appointments to offices, which for any cause shall not be made at such meeting of the council, may be made at any subsequent meeting of the council. The city council may create such other offices and appoint and compensate such other officers as may be necessary to execute the powers in this act conferred.

City clerk,  
attorney,  
engineer, etc.,  
appointment  
of.Subsequent  
appointments.

SEC. 2. All officers appointed by the city council, except those appointed to fill a vacancy, shall hold their respective offices until the first day of May in the year after such appointment and until their successors qualify and enter upon the duties of their office, unless a different term of office shall be prescribed in this act or in the action of the city council creating the office. Officers appointed to fill a vacancy, in appointive offices, shall hold their offices for the residue of the term in which the vacancy occurred.

Appointees,  
terms of.To fill  
vacancies.

SEC. 10. The clerk, treasurer and water commissioner shall respectively appoint a deputy of their offices, each of whom shall possess all the powers and authority of their respective offices, and may exercise all the duties thereof subject to the control of such officers. Upon the written recommendation of such officers the city council shall furnish, when in its opinion necessary, such other assistants and clerks as from time to time may be required for the proper discharge of the duties of their respective offices: *Provided*, That the city council shall have authority to limit the number of assistants, clerks and employes in each of said offices. The said clerk, treasurer and water commissioner shall be responsible for the acts and defaults of their respective deputies, and may remove such deputies at their pleasure.

Deputies.

Assistants  
and clerks.Proviso,  
council may  
limit.

## CHAPTER VI.

Mayor.

SECTION 1. The mayor shall be the chief executive officer of the city, and shall be ex-officio, a member of the city council. He shall ex-officio, be a member of all appointive boards, but without the right to vote thereon.

## CHAPTER XI.

Aldermen,  
members of  
board of  
supervisors.

When junior  
alderman  
ex-officio  
member.

SEC. 2. The aldermen of the several wards whose terms of office shall soonest expire shall represent their several wards upon the board of supervisors of the county of Kalamazoo, and perform all duties pertaining to supervisors of the townships upon said board and shall have all rights, privileges and powers of members of such board of supervisors. A certificate of the city clerk under the seal of the said city certifying to the election of such aldermen to be filed with the county clerk, shall be sufficient to entitle such aldermen to membership upon said board of supervisors. In case any senior alderman cannot attend a session or sessions of the board of supervisors the junior alderman from the same ward shall, ex-officio, be a full member of the said board for said session or sessions.

## CHAPTER XVI.

Streets, etc.,  
improvement  
and repair of.

Assessment  
of cost.

Terms  
construed.

May authorize  
bonds.

How known.

Street  
intersections,  
water mains,  
sewers, etc.

SEC. 20. The city council shall have power to cause the public streets, highways, avenues and alleys of said city to be graded, macadamized, paved, repaved, planked, or graveled and otherwise constructed, improved and repaired and the gutters paved. The cost and expense thereof may be paid by the corporation, or the same, or any part thereof, may, as the council may by resolution determine, be assessed on the property adjacent thereto and benefited thereby. The term "paved" and "macadamized" shall be deemed to include the construction of gutters, curbing, cross-walks, and ballasting. For the purpose of meeting the expense thereof in anticipation of the collection of the assessments and taxes to defray the expense and cost thereof, the city council may by resolution authorize and direct that a sum of money, not exceeding the entire cost of said work, shall be borrowed by the issue of bonds to be known as "Street Improvement Bonds," bearing interest at a rate not exceeding five per cent per annum. At any time before the confirmation of the special assessment roll for grading, macadamizing, paving, repaving, planking, graveling, or otherwise constructing, improving or repairing any street, the city council may determine, by resolution, that the corporation shall pay the cost and expense thereof for the street intersections and the expense of laying

and relaying the water mains and services, sanitary, storm and connecting sewers. In case the city council shall determine by resolution that the corporation shall pay a portion of the expense of the work, or pay for grading, macadamizing, paving, repaving, planking, graveling, or otherwise constructing, improving or repairing the street intersections, or the expense of laying and relaying water mains and services, sanitary, storm and connecting sewers, or any or all of the same, the total amount of the bonds issued shall be divided into two portions. One portion of said bonds shall not exceed the cost of the improvement that is to be assessed to the abutting property, and said bonds shall be known as "Street Improvement Bonds." The other portion shall not exceed the amount that the city is to pay for said work, and the bonds issued to raise the same shall be known as "City Improvement Bonds." Both street improvement bonds and city improvement bonds shall be a direct city obligation. All street improvement bonds and city improvement bonds shall be made payable in equal amounts each year for a period not exceeding ten years from the date of issue, as the city council may direct. The council may provide that all or any part of the street improvement bonds and the city improvement bonds may be retired at the time of any yearly payment of interest by the city council giving the holder of said bonds a written notice of its intention to retire said bonds ninety days previous to the date on which interest falls due. The total amount of city improvement bonds herewith authorized to be issued shall not exceed two hundred fifty thousand dollars outstanding at any one time. All of said bonds shall bear an endorsement giving the nature of the work for which said bonds were issued. Said bonds shall not be sold for less than par and the proceeds thereof shall be paid the city treasurer and by him placed to the credit of the fund to be known by the name endorsed upon the bonds. As rapidly as money is collected upon the special assessment roll for the improvement for which street improvement bonds were issued, the same shall be placed to the credit of a fund to be known as the "Street Improvement Fund." On or before the day that any of said bonds shall fall due, the city council shall transfer or pay into a special fund enough money to pay said bonds. Whenever the council shall direct any of the cost and expense of the improvements, herein authorized, to be assessed to the abutting property, the total amount assessed shall be divided into as many equal annual installments as there are years in the term for which the bonds for said improvements were issued. All of the installments shall draw the same interest as the bonds issued for the improvement. On all installments not paid within thirty days after they fall due, there shall be added and collected an additional two per cent per annum as a collection fee. All assessments under this act shall be collected in the same manner and with all the remedies that

Bonds divided in case city pays portion of expense.

"Street improvement bonds."

"City improvement bonds."

How endorsed.

Proceeds, how credited.

Transfer to special fund.

Assessment to abutting property.

Two per cent collection fee.

"Water services," term construed.

May include cost of paving between tracks.

Street cleaning and sprinkling; assessment of expense.

Levy and collection of.

Sanitary sewers; assessment; how may be divided.

May authorize "Sewer Bonds."

are prescribed for the collection of other city taxes, except as the same may be in this section varied. The term water services shall be construed to mean water services from the main to the curb, and the term, connecting sewers, shall be construed to mean connecting sewers from the main or lateral sewer to the curb. The city council may, at its option, include in the issue of city improvement bonds issued for the paving of any street, the cost of paving between and adjacent to the tracks of any street railroad company, owning tracks on the street to be paved, and required by its franchise to pay the city for said paving between and adjacent to its tracks, and in the event of the city bonding for the said paving between and adjacent to said tracks, the said street railroad company shall be required to pay for said paving in equal amounts each year during the term for which said bonds are issued, with the same rate of interest on all unpaid installments as is charged the adjoining property owners.

SEC. 42. The city council shall have power to cause any of the paved, macadamized, or graveled streets of the city to be cleaned and kept cleaned. The cost and expense thereof may be paid by the city, or the same or any part thereof, as the council may by resolution determine, be assessed on the property adjacent thereto and benefited thereby. The city council shall have power to cause the public streets, highways, avenues and alleys in said city to be sprinkled whenever deemed necessary. The cost and expense thereof may be paid by the city, or the same, or any part thereof, as the council may by resolution or ordinance determine, be assessed on the property adjacent thereto and benefited thereby. All assessments provided for in this section may be levied and collected as by this act provided for levying and collecting special assessments.

SEC. 43. Whenever the city council shall determine that the whole or any part of the expense of laying sanitary sewers shall be defrayed by an assessment upon the property adjacent thereto and benefited thereby, it may provide that the total amount to be assessed shall be divided into not to exceed five equal installments, one installment to be due and payable each year. The council may also provide for meeting the expense of said improvement in anticipation of the collection of the assessment and taxes to defray the cost and expense thereof, in the following manner: The city council shall by resolution determine what proportion of the cost of constructing said sewer shall be assessed upon the property adjacent thereto and benefited thereby. The city council may then authorize and direct that a sum of money not exceeding the cost of the improvement to be assessed to the property adjacent thereto and benefited thereby, shall be borrowed by the issue of bonds to be known as "Sewer Bonds," bearing interest at a rate not exceeding six per cent. All "Sewer Bonds" shall be a direct city obligation and shall be made payable in equal amounts each year for a period not exceed-

ing five years from the date of issue, as the city council may direct. The total amount of sewer bonds issued in any one year shall not exceed twenty-five thousand dollars and the total amount of said bonds hereby authorized to be issued shall not exceed one hundred and twenty-five thousand dollars outstanding at any one time. All of said bonds shall bear an endorsement giving the nature of the work for which said bonds were issued. Said bonds shall not be sold for less than par and the proceeds thereof shall be paid the city treasurer and by him placed to the credit of a fund to be known by the name endorsed upon the bonds. As rapidly as money is collected upon the special assessment rolls for the improvement for which the bonds were issued, the same shall be placed to the credit of a fund to be known as the "Sewer Bonding Fund." On or before the day that any of said bonds shall fall due, the city council shall transfer or pay into a special fund enough money to pay such bonds. The total amount to be assessed to the abutting property for any such improvement shall be divided into as many equal annual installments as there are years in the term for which the bonds for said improvement were issued. All of the installments shall draw the same interest as the bonds issued for the improvement. On all installments not paid within thirty days after they fall due, there shall be added and collected an additional one per cent per annum as a collection fee. All assessments under this act shall be collected in the same manner and with all the remedies that are prescribed for the collection of other city taxes, except as the same may be in this section varied.

How  
endorsed.

Proceeds,  
how credited.

Transfer to  
special fund.

Assessment to  
abutting  
property.

One per cent  
collection fee.

Sec. 44. All city bonds shall be signed by the mayor and countersigned by the clerk. The attached coupons shall be signed with the lithographed signatures of the mayor and clerk. The bonds shall be numbered or lettered by the city clerk consecutively and shall be paid at maturity and cancelled, and shall not be reissued or refunded. All bonds may be registered or unregistered.

City bonds,  
manner of  
issue.

Sec. 45. All proceedings authorizing the issuance of bonds shall be by resolution, and nothing herein contained shall require the publication of said resolutions.

Proceedings.

Sec. 46. All freight houses, roadbeds, rights of way and other premises belonging to any railroad or railroad corporation or company within the corporate limits of the city of Kalamazoo, which are necessarily used in the operating of the respective franchises of the owners of said railroads, and the person, company or corporation owning the same are liable for all valid unpaid assessments for public improvements hereafter made within the city of Kalamazoo and assessed against the same, but no lien shall attach thereon on account of such assessments and the payment of such assessments shall not be enforced and collected by sale of said property. Assessments of such classes of property shall be made in the same manner as the assessments of other property

Liability of  
certain rail-  
road property  
for valid un-  
paid assess-  
ments.

Assessment  
how made.

Special  
assessments  
legal demand.

May institute  
action.

Milk, license  
and inspection  
of.

Parks, etc.,  
power to  
obtain real  
estate for.

To establish,  
improve, etc.

Franchises  
limited.

under the charter of said city for special improvements, and the assessment roll for such special improvement taxes shall be prima facie evidence in any court of the regularity of all proceedings leading up to the assessment and the making of said roll. All special assessments made as aforesaid against the property of said railroad companies, and the owners thereof, for public improvements, and all installments thereof, together with the interest, costs and charges thereon for enforcing the collection of the same, are hereby made and declared legal demands against each and every of said railway corporations or companies against whose property such assessments are made in favor of the city of Kalamazoo, and if any of said railroad or railway corporations or companies shall fail to make payment thereof within the time payment is required of such special assessments under the roll on which they are extended, then the city of Kalamazoo may institute an action in assumpsit or other proper legal action in any court of competent jurisdiction against the owners of said properties, and if judgment be rendered thereon in favor of said city of Kalamazoo, the same may be collected on execution out of any property of said railroad or railway corporations or companies liable to levy and sale on execution.

SEC. 47. The city council shall have authority to compel all persons selling milk or keeping the same for sale in said city, to procure a license therefor and to be properly registered; to provide for and regulate the inspection of milk at the dairy, farm or place where the same is produced when said milk is intended to be sold within the city, although said dairy, farm or place may be outside of the city limits, and the person or persons producing such milk outside the city limits, and the person or persons selling such milk within the city shall be governed and controlled by and be subject and amenable to any ordinance or regulation enacted by the city council relating to such inspection at the place where milk is produced when sold within the city limits the same as they would if producing said milk within the city limits.

SEC. 48. The city council shall have power by the concurrent vote of two-thirds of all the aldermen-elect to obtain by purchase, or gift, and to hold, improve, and properly maintain real estate within the limits of the city for park, driveway and boulevard purposes. It shall also have power to lay out, establish, improve and embellish, hold, control and maintain parks, driveways and boulevards outside the corporate limits of the city whenever it shall be deemed by the city council, on the concurrent vote of two-thirds of all the aldermen-elect, that the same is a necessary public improvement for the benefit of the city, and private property may be taken therefor in manner provided in this act, or by the general laws of the State.

SEC. 49. No franchise shall be granted for a longer period than thirty years.



## CHAPTER XXII.

SEC. 25. As soon as practicable after the first day of January in the year of our Lord, nineteen hundred eight, and as soon as practicable after the first day of January in each year thereafter, the city clerk shall prepare and file in the office of the county clerk of the county of Kalamazoo, a petition addressed to the circuit court for said county in chancery, stating therein by apt reference to lists or schedules annexed thereto a description of all lands in the city of Kalamazoo upon which taxes and assessments have remained unpaid for more than one year prior to the first day of January, in the year of our Lord, nine [nineteen] hundred eight, or the first day of the year in which the petition is filed, and the total amount of such taxes and assessments, with interest computed thereon to the time fixed for the sale thereof, and a collection fee of four per centum, extended separately against each parcel of land, and he shall include with and add to such total amount against each parcel seventy cents for the costs of advertising and other expenses of sale. Such petition shall pray a decree in favor of the city of Kalamazoo against said lands for the payment of the several amounts so specified therein, and in default thereof that such lands be sold. It shall be signed by the city clerk and need not be otherwise verified, and shall be deemed equivalent to a bill in chancery to enforce the lien for such taxes and assessments, interest and charges, averring their validity, that they have not been paid and praying for a sale to pay such lien. The petition shall be followed by the list of lands, taxes and assessments. This record shall be ruled with appropriate columns, one containing a description of the land with columns for the total amount of taxes, and assessments, interest and charges claimed due on each parcel of land opposite thereto. Also with blank columns, one with heading, "parts of descriptions paid before sale or withheld," another, "by whom paid," another, "amount paid before sale," another, "amount decreed against lands," another, "special orders," another, "interest in each parcel sold," another, "names of purchaser," another, "address of purchaser," another, "number of certificate," another, "remarks." The said clerk may add such other columns as he may find necessary. The petition shall be construed to include the lists annexed thereto; parts of descriptions of lands upon which taxes and assessments are paid before sale or which are withheld from sale, the amount paid on taxes or assessments before sale, the amount of taxes and assessments, interests and charges decreed against lands, except orders made by court relating to any parcel of land or any tax or interest in each parcel of land sold, the name of each purchaser, and his address and the number of certificate of sale shall be entered in said record under

Petition in  
chancery.

What to state.

When signed,  
equivalent to  
bill in  
chancery.

List of lands,  
taxes, etc.

Petition  
construed to  
include lists,  
etc.

their appropriate heading opposite to the descriptions of lands affected thereby.

Petition filed  
and presented.

SEC. 26. It shall be the duty of the county clerk on the filing of said petition to at once present the same to the circuit judge of said county of Kalamazoo, and it shall be the duty of said circuit judge to make an order in the form herein described, which order when so made and signed by the circuit judge shall be countersigned by the county clerk as register in chancery; and thereupon it shall be the duty of said county clerk to immediately make a true copy of all proceedings in such matter and transmit the same to the city clerk of the city of Kalamazoo; said order shall be substantially in the following form:

Copy of  
proceedings.

Form of order. State of Michigan.—The Circuit Court for the County of Kalamazoo. In chancery.

In the matter of the petition of the city of Kalamazoo for the sale of certain lands for taxes assessed thereon.

On reading and filing the petition of the city clerk of the city of Kalamazoo, in the State of Michigan, praying for a decree in favor of the city of Kalamazoo against each parcel of land therein described for the amounts therein specified claimed to be due for taxes and assessments, interest and charges on each such parcel of land and that such lands be sold for the amounts claimed by the city of Kalamazoo.

It is ordered that said petition be brought on for hearing and decree at the.....term of this court to be held at the city of Kalamazoo, in the county of Kalamazoo, State of Michigan, on the.....day of....., A. D. 19...., at the opening of court on that day, and that all persons interested in such lands or any part thereof desiring to contest the lien claimed thereon by the city of Kalamazoo for such taxes and assessments, interests and charges or any part thereof, shall appear in said court and file with the register in chancery, their objections thereto, on or before the first day of the term of this court above mentioned, and that in default thereof the same will be taken as confessed and a decree will be taken and entered as prayed for in said petition.

And it is further ordered that in pursuance of said decree, the lands described in said petition for which a decree of sale shall be made will be sold for the several taxes and assessments, interest and charges thereon as determined by such decree on the..... Monday in.....thereafter, or on the day or days subsequent thereto as may be necessary to complete the sale of said list and of each and every parcel thereof at the office of the city treasurer of the city of Kalamazoo, or at such convenient place as shall be selected by him at the city of Kalamazoo for that purpose.

Witness, the Honorable.....circuit  
judge, and the seal of said circuit court of Kalamazoo county,  
this.....day of....., A. D. 19.....

.....

(Signed)

Circuit Judge.

Countersigned:

.....

Register.

**SEC. 29.** Such final decree shall be entered in the chancery Final decree,  
form of.  
record for recording decrees of such court, have the usual  
caption for decrees, and shall be substantially in the following  
form:

In the matter of the petition of the city of Kalamazoo for  
the sale of certain lands for taxes and assessments assessed  
thereon. The said petition and the matters therein stated  
and the objections filed to such taxes and assessments there-  
in claimed (if any such objections are filed) came on to be  
heard and proof of the due publication of notice of hearing  
of said petition having been made and filed, and, after hearing  
all parties interested therein, it is ordered, adjudged and  
decreed that the amount of taxes, assessments, interest, col-  
lection fee and charges set down in the column headed  
“amount decreed against lands” in the tax record of which  
such petition forms a part, are valid, and decree is made in  
favor of the city of Kalamazoo therefor against each parcel  
of land for the amounts set down in said column opposite to  
such parcel.

It is further ordered, adjudged and decreed that said several  
parcels of land, or such interest therein as may be necessary  
to satisfy the amount herein decreed against the same, shall  
be severally sold as the law directs.

It is further ordered, adjudged and decreed that the several  
special orders made by this court and entered on said tax  
record are made a part hereof with the same effect as if  
entered herein.

If costs are adjudged in favor of or against any person If costs  
adjudged.  
contesting a tax, the decree therefor shall be in proper form  
and execution awarded. The decree shall be signed by the  
judge and countersigned by the register. Immediately after  
the entry of such decree, the county clerk shall make a cer-  
tified copy thereof and deliver the same to the city treasurer Copy  
certified.  
of the city of Kalamazoo. If from any cause the hearing  
on said petition is not had on the day fixed for the notice  
therefor, the same shall stand continued from day to day dur-  
ing the term without the entry of any order of continuance un-  
til disposed of, and if it shall for any reason be found impracti-  
cable to hear and determine the objections to all of the taxes  
and assessments specified in said petition within the time Hearing  
continued

herein fixed for that purpose, then and in that case the court shall, within the time herein named, make a final decree as to all taxes and assessments to which no objections have been filed and also those to which objections have been filed, which the court has then heard and passed upon. Such decree shall be signed and recorded as hereinbefore provided. The court shall proceed with the consideration of the remaining taxes and assessments embraced in said petition and objections thereto, and as soon as practicable dispose of the same by one or more decrees and in such form as the court may determine, which shall be entered in the chancery record of decrees of such court and the same shall describe the lands and specify the total amount of taxes and assessments, interest and charges on each parcel of land thereof; the county clerk shall immediately thereafter deliver to the city treasurer of said city of Kalamazoo a certified copy of such decree to be kept and used as hereinbefore provided. If from any cause no decree shall be made on such petition as to the tax or assessment therein named, or any part thereof, the city clerk shall, as soon as practicable, file a new petition for decree and sale, and proceedings thereon shall be the same and decree and sale made as herein provided. In case a decree is given in favor of the validity of any disputed tax or assessment, and the person contesting its validity desires to appeal to the supreme court, he shall be allowed to do so on paying the amount of the decree to the city treasurer within ten days after the date of such decree, who shall retain the same until the decision of the supreme court, and pay the same to the party interested, if such tax or assessment is held invalid; if held valid, then such money shall be credited to the proper fund. By such payment the land in question shall be discharged from the lien of the tax assessment. In case the decision is against the validity of any tax assessment, the city of Kalamazoo shall have the right to direct an appeal therefrom to the supreme court in its behalf, but there shall be no sale for the tax or assessment held invalid until such decision has been reversed or modified by the supreme court. The proceedings where the validity of any tax or assessment is in dispute, shall, where no other provision is made herein, follow the ordinary chancery practice and the court may allow amendments as in ordinary cases. Notice shall be given of all appeals to the supreme court, and such appeals shall be claimed, entered and bond for costs given, within twenty days after the making and entering of the decree. When the appeal is taken in behalf of the city of Kalamazoo, no bond shall be required. The judge shall, at the request of either party and on due notice, settle in proper form a case containing so much of the record and proceedings as may be necessary to the due understanding thereof by the supreme court, and if appeal shall be taken, such case shall be trans-

Consideration  
of remaining  
taxes, etc.

Copy certified.

New petition  
for decree and  
sale.

Appeal by  
contestant.

By city.

Notice given.

Case  
transmitted.

mitted to such court. An appeal as to the tax or assessment on any parcel shall not delay or affect the proceedings for the sale of any land on which there has been no appeal.

Appeal not to affect certain sales.

### CHAPTER XXIII.

SEC. 17. Upon the confirmation of any special assessment roll for street improvements other than sewers, the amount thereof may be divided into not more than ten installments and sewer rolls may be divided into not more than five installments. One of said installments shall be collected each year, at such times as the city council shall determine. However the whole assessment after confirmation, may be paid to the city treasurer at any time in full, with the proportionate interest thereon. All special assessments, except such installments thereof as the city council shall make payable at a future time as herein provided, shall be due and payable upon confirmation.

Special assessment and sewer rolls.

Collection.

When due and payable.

### CHAPTER XXV.

SEC. 2. The city council may provide for the punishment of all offenders for violation of or offenses against this act or the ordinances of said city enacted pursuant to the powers herein conferred or any act of the legislature, by holding to bail for good behavior, by imposing fines, penalties or forfeitures and costs, by imprisonment in the jail of Kalamazoo county, or in any penitentiary, house of correction, jail or workhouse in the city, or in any State house of correction or in the Detroit House of Correction, or by both such fine and imprisonment in the discretion of the court before whom a conviction may be had, and to contract with the authorities of such institutions to this end. All punishments for offenses against any of the ordinances of the city council shall be prescribed in the ordinances creating or specifying the offense to be punished, and no penalty, fine or forfeiture shall exceed the sum of five hundred dollars, exclusive of costs, and no imprisonment shall exceed the period of one year. If only a fine, penalty or forfeiture with costs be imposed the offender may be sentenced until the payment thereof for a term not exceeding six months.

Punishment of offenders.

Prescribed in ordinances.

Sentence until payment.

### CHAPTER XXVII.

SEC. 2. No officer or employe of the city or any department thereof shall be a party to or directly or indirectly interested in or be the beneficiary of any work, contract, purchase or sale, for, with, from or to the city, or any department thereof, or to or in any work, contract, purchase or sale

Not to be interested in contracts, etc.

Monopoly avoided.	with any contractor in relation to any work, contract, purchase or sale, for, with, from or to the city or any department thereof, or in any work, contract, purchase or sale in which the city has a direct or indirect pecuniary interest. Bids or contracts for or purchases of any material, machinery, process or thing, which, or the supply of which, is controlled by one person or company, or which is in any sense a monopoly, shall not be invited or made by or on behalf of the city or any department thereof, included with other things to be bid upon or purchased, but must be invited and made separately. Any contract, purchase, sale or bid made in violation of the provisions of this section shall be absolutely void and of no force or effect against the city or any board or department thereof. Any officer, member of board or employe of the city, violating any of the foregoing provisions shall be forthwith deprived of his office or employment under the city government, if a city officer, board member or employe, pursuant to chapter five of the city charter. In construing this section every member of the city council (but with reference only to work, contract, purchase, or sale directed or made by the council), and every member of any board provided for in this act (but with reference only to work, contract, purchase or sale directed or made by such board), shall be considered an officer of the city, and in every case every member of an interested partnership and every stockholder of any interested corporation or joint stock association, excepting public service corporations, shall be considered interested. The prohibitions of this section shall not apply in case the work, contract, purchase or sale in question is directed or made by the council, or by any board provided for in this act, if said council or board shall declare on its records, by resolution adopted by four-fifths of the entire membership, that such work, contract, purchase or sale to or with such interested person is necessary for the best interests of the city, notwithstanding such prohibition.
Contracts void.	
Violation to forfeit office, etc.	
Section construed.	
Prohibitions, when not to apply.	

## CHAPTER XXIX.

### MUNICIPAL JUSTICE.

When elected, term.	<b>SECTION 1.</b> At the general charter election held in the year one thousand nine hundred and eight, and every four years thereafter, there shall be elected in said city one justice of the peace, who shall be known as municipal justice, whose term of office shall commence on the second Monday in April next following his election, and continue for four years and until his successor shall be elected and qualified. He shall be elected on the general ticket in the manner herein provided for the election of other city officers, and none but attorneys-at-law duly admitted to practice in the supreme court of this State shall be eligible
None but attorneys eligible.	

to the said office of justice of the peace in said city: *Provided*, That no election for justices of the peace, except to fill any vacancy, that may occur, shall be held in the city of Kalamazoo in the years nineteen hundred nine and nineteen hundred ten, and the offices of the justices of the peace, whose terms of office expire on the second Monday in April in the years nineteen hundred eight, nineteen hundred nine and nineteen hundred ten respectively, are hereby abolished from and after said last mentioned dates. The files, records and dockets appertaining to the offices of justice of the peace in said city abolished by this act, shall be transferred to and kept by the clerk of the justice court provided for in this act, and said justice is empowered to issue execution according to law upon judgments appearing upon such dockets so transferred to said justice court with the same effect as if such judgment had been rendered by him.

Proviso,  
certain  
justices  
abolished.

Dockets, etc.,  
transferred.

SEC. 2. In case of the absence, disability or disqualification of said municipal justice any justice of the peace of the township of Kalamazoo, in said county, shall be qualified to act in the place of and for said municipal justice in the performance of any of the duties devolving upon him under this act, and shall, when called upon by said justice, or by the circuit judge so act; and while so acting shall be entitled to receive pro rata for the time he shall so serve, the salary which would otherwise have been payable to the justice elected under this act: *Provided*, That in case said municipal justice shall not be absent from duty to exceed fifteen days during the year, no deduction shall be made from his salary.

In case of  
absence, etc.,  
who may act.

Salary.

Proviso,  
deduction.

SEC. 3. The said municipal justice shall be considered the successor in office of all the justices of the peace now in said city, as their respective terms of office shall expire, and shall also be considered the successor in office of the present recorder and judge of the recorder's court of said city, and as such successor in office he shall take possession of their dockets and papers, and possess and exercise the same power and authority concerning the same as are now given by the general laws of this State to successors in office to justices of the peace: *Provided*, That all proceedings and actions that may be pending before any of said justices of the peace or said recorder and judge of the recorder's court at the time the justice herein provided for becomes their successor shall stand transferred to said municipal justice court and the justice thereof shall have the same jurisdiction and power in relation to the same as if originally commenced before him.

How  
considered as  
successor

Proviso,  
proceedings  
and actions  
pending.

SEC. 4. The files, records and dockets of the justice of the peace whose term of office expired in the year nineteen hundred seven and whose office has been abolished and which have been transferred and delivered to the justice of the peace of the said city whose term of office next expires shall, for all

Files, records  
and dockets,  
disposition of.

Executions issued.	intents and purposes, be considered the dockets of said last mentioned justice and said last mentioned justice of the peace is hereby empowered to issue execution according to law upon judgments appearing upon such dockets so transferred to said justice of the peace, with the same effect as if such judgment had been rendered by him, and said justice of the peace to whom such dockets were transferred shall in all respects be considered the successor in office of said justice of the peace whose term of office expired in nineteen hundred seven and shall possess and exercise the same power and authority concerning cases now pending as is now given by general laws of the State of Michigan to successors in office of justice of the peace.
Cases pending.	
Oath where filed; jurisdiction, etc.	SEC. 5. Said justice shall file his oath of office in the office of the clerk of the county of Kalamazoo, and shall have in addition to the duties conferred by this act on him the same jurisdiction, orders and duties conferred on justices of the peace in townships.
Court, how styled.	SEC. 6. It shall be the duty of said justice to keep his office and hold court in said city at a suitable place to be provided by the city council and said court shall be styled the "Municipal Justice Court." Said city council shall provide for the use of said court such rooms as shall be suitable for use for holding said court, and for jury purposes, and an office for the clerk of said court hereinafter mentioned. Such rooms shall be contiguous to each other. The said city council shall also provide necessary furniture, fixtures, dockets, books, blanks and stationery for use in the business of said court, and for the heating and lighting of said rooms.
Rooms provided.	
Seal.	SEC. 7. Said municipal justice shall have a seal of office, and copies of all official records kept by him duly certified by him under seal to be correct, shall be received in evidence without further proof in all courts of this State. Said seal shall contain the following: "Municipal Justice Court, Kalamazoo, Mich."
Annual salary.	SEC. 8. Said municipal justice shall receive from the treasury of the city an annual salary of one thousand eight hundred dollars. Such salary shall be in lieu of all fees, costs and charges to which said justice might otherwise be entitled under the provisions of this act, except fees for the performance of marriage ceremonies, for taking acknowledgments and for administering oaths in matters not connected with suits or proceedings in said court. Such salary shall be paid to said justice in monthly installments as other officers of said city are paid.
How paid.	
Clerk of court.	SEC. 9. There shall be a clerk of said court to be appointed by the city council of said city upon the nomination and recommendation of said justice, and who may be suspended or removed by said justice at any time with the consent of the city council, and who shall receive an annual salary of nine hundred dollars. Said salary shall be payable
Salary, how paid.	



in equal monthly installments from the city treasury. Said clerk, previous to entering upon the duties of his office, shall take the constitutional oath of office and enter into a bond in such sum with such sureties as the city council shall fix and approve in writing endorsed thereon.

Oath and bond.

SEC. 10. Said clerk shall under the direction of said justice keep three dockets, which dockets shall contain all that is required to be kept under the general laws of the State relating to justices. He shall also file and safely keep and care for all books, papers and other things coming to his hands as such clerk, subject at all times to the control and direction of said justice, and said dockets shall be signed by said justice. In one of said dockets shall be kept the record of all civil business, in another all criminal business, and in the third all cases under city ordinances, rules and by-laws.

To keep three dockets.

SEC. 11. All dockets and office books kept in said municipal justice court shall at all times be subject to inspection and examination by the city council or any member or officer thereof, or any attorney or other person lawfully entitled to the same, and it shall be the duty of said justice and the clerk of said court to produce such dockets and books at all times whenever and wherever the said city council shall require or direct, and if he shall neglect or refuse to produce said office books as directed or required, the circuit judge of the circuit court of the county of Kalamazoo may, on proper application to him for the purpose, make an order requiring the same to be produced, and enforce obedience thereto in the same manner in which other orders made by him are enforced.

Dockets, etc., inspection of.

Circuit judge may order production.

SEC. 12. Process may be signed in blank in civil cases, and left with said clerk, and may be issued by him on proper application or showing, and said clerk is authorized to administer oaths in all cases whenever an oath is required. Said clerk shall also have authority in the absence of said justice to approve such bonds as require approval in said court. Process signed in blank as aforesaid shall have the same force and effect as if filled by said justice: *Provided*, That no process shall be issued by said clerk until the fees therefor shall have been first paid.

Issue of process and approval of bonds by clerk.

Proviso, fees.

SEC. 13. In case of appeal or certiorari, the said clerk may make and certify a return thereto, which shall have the same force and effect as if made and certified by said justice.

Clerk may make and certify returns.

SEC. 14. All fees, fines, costs and dues of every description, except jury, officer and witness fees in civil cases, that shall become due and payable on account of proceedings in said court, shall be collected by said clerk, and monthly he shall pay over to the city treasurer, such moneys received by him, except such fines and costs as may be imposed by said justice for the violation of the criminal laws of the State, which shall be by said clerk paid to the treasurer of the county

Fees, fines, costs, etc., collection and disposition of.

of Kalamazoo, as is required by law of justices of the peace, and said clerk shall not be entitled to receive his monthly salary until his account for the preceding month is fully settled, and all moneys received by him paid over as aforesaid, and until he has filed with the city clerk a certificate stating that the payment made by him covers all such moneys which he has received since his last monthly statement, and also stating the sources from which they were received. Such clerk shall also receive all other moneys paid into said court for or on account of proceedings therein, and shall pay over all of such moneys to the persons lawfully entitled to the same.

Jurisdiction of justice.

SEC. 15. Said justice, except as herein provided, shall have and exercise herein, and within the county of Kalamazoo, the same jurisdiction and power in all matters, causes, suits and proceedings, and shall perform the same duties in all respects as far as occasion may require as are or may be conferred upon or required of justices of the peace by the general laws of the State, and the proceedings in all suits and actions before said justice shall, except as otherwise provided in this act, be according to and be governed by the general laws applicable to justice courts and justices of the peace, and said justice shall, except as otherwise provided in this act, in the exercise of the powers and duties conferred upon or required of him, be governed by the general laws of the State relative to justices of the peace, and said justice shall have jurisdiction of civil cases when either of the parties thereto reside in the county of Kalamazoo.

Idem.

SEC. 16. Said municipal justice shall have sole and exclusive jurisdiction to hear, try and determine all charges for violation of city ordinances; and all persons convicted by said justice of the peace of a violation of such ordinances may be fined or imprisoned, or both, according to the terms of the ordinance, and if fines shall be imposed, it shall be with the costs of prosecution, if the ordinance so provides; such imprisonment may be in the Kalamazoo county jail or in the city jail; an appeal may be taken to the circuit court, as in civil cases.

Idem.

SEC. 17. Said justice shall have exclusive jurisdiction of all cases arising in said city involving fines, penalties, forfeitures or imprisonment under the laws of the State of Michigan to the same extent, in the same manner and under the same practice as might a justice of the peace of a township.

Idem.

SEC. 18. Said justice shall as against all other justices of the peace of the county of Kalamazoo, and State of Michigan have exclusive jurisdiction of all actions and proceedings within his jurisdiction, where both parties thereto shall at the time of the commencement of such action or proceeding be residents of said city. He shall also have a like exclusive jurisdiction as against all other justices of the peace of the

said county of Kalamazoo where the original cause of action existed in favor of a resident of said city but has by him been assigned.

SEC. 19. Said municipal justice shall have exclusive jurisdiction as against all other justices of said county of Kalamazoo in all cases where the plaintiff is a non-resident of said county of Kalamazoo, and the defendant or defendants, or either of them, reside in the city of Kalamazoo.

SEC. 20. Before any civil action or proceeding, except proceedings against a garnishee defendant, shall be commenced in said court there shall be paid to the clerk of said court by the party commencing the same, an entry fee of one dollar, and before the trial of any such action or proceeding shall be commenced such parties shall pay a judgment fee of one dollar; but in cases of non-suit before the commencement of trial no judgment fee shall be required. Proceedings in garnishment shall be treated as part of the principal cause, and no additional fee shall be required therein, except when an issue of fact shall be joined in respect to the liability of the garnishee or garnishees, in such case a judgment fee of one dollar shall be paid before such trial shall commence. The fees provided for in this section shall be in full for all services and proceedings by and before said justice to, and including the issuing of execution upon judgment therein, and shall be taxed in favor of the party paying the same if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing of the execution, or for the purpose of staying proceedings, or removing causes to an appellate court, there shall be paid to the clerk of this court all fees provided by law: *Provided*, That in all cases where the cause of action is for personal work and labor of the plaintiff or any member of his or her family, upon filing with the clerk of said justice court an affidavit showing that such claim or cause of action is brought for such personal work and labor as aforesaid, such action shall, within the discretion of the court, be commenced and prosecuted to judgment without the payment of any entry fee or judgment fee, as herein required in other causes, but the costs which shall accrue in such cause of action, including the entry or judgment fee, as in other causes, shall be taxed in favor of the prevailing party.

SEC. 21. The senior alderman of each ward during the session of the board of review in each year, shall make and file with the clerk of said court a list of thirty names of persons residing in his said ward not exempt from serving on juries, and qualified to serve as jurors in courts of record, and whose business renders them likely to remain permanently at home and whose names have not been placed on any other jury list at said session. Said names shall be written on separate slips of paper and placed by the clerk of said court in a box to be kept for that purpose. The

Idem.

Suits, how commenced.

Non-suit.

Garnishment.

Provido,  
when entry or  
judgment fee  
not required.

Alderman to  
make and file  
list of jurors.

Jury trial.

people, city or any party to a suit or proceeding before said justice shall be entitled to a trial by jury of six jurors on making an oral demand of the same before the trial is entered upon.

Fees paid in advance.

SEC. 22. If any party to a cause before said justice shall demand a trial by jury, he shall pay the fees therefor in advance, and the same shall be disposed of by the clerk in the manner now provided by law; and the moneys paid for jurors shall be taxed as costs in favor of the party paying the same, if he be the prevailing party in the case in addition to such other costs as he may be entitled to recover.

Jury, selection of.

SEC. 23. Upon a jury being demanded by either party the said justice, or his clerk, shall in the presence of both parties draw from said box eighteen names in the same manner that the county clerk is required to draw the names of jurors from the box upon the trial of causes in the circuit court, and from the eighteen names so drawn each party shall be entitled to reject six. The party demanding a jury in a civil case shall first reject one and then the opposing party and so on until each party has rejected six. Should either party refuse to reject six names from the list so drawn, said municipal justice shall make such rejection. In all criminal cases and prosecutions for violations of city ordinances the people shall first reject a name and then the defendant and so on until each party has rejected six.

Civil cases.

Criminal cases.

Names returned.

Provido, juror excused.

SEC. 24. After a jury has been drawn said clerk shall return the names drawn out of the jury box, and each succeeding jury shall be drawn from a full box: *Provided*, That any juror who has served twice in the same three months, or four times in any one year in said court, shall be excused from again serving as a juror in said court during the same year if he shall so desire. The year last above mentioned shall be deemed the year commencing with the second Monday in April. On receiving new lists from the senior alderman, as herein provided, the said clerk shall withdraw all names in the box and supply it with the names from the new lists returned written as before.

When new lists received.

Fees, jury and witness.

SEC. 25. Jurors and witnesses serving or testifying in said court in cases involving a violation of any city ordinance or by-law shall receive the same fees as they would be entitled to for like services in justice courts under the State law, but the same shall be payable by the city of Kalamazoo out of the general fund upon the certificate of the clerk of said court.

Fees paid by city.

SEC. 26. All witness and jury fees in cases involving violations of city ordinances and by-laws shall be paid by the city clerk upon a certificate of the clerk of said municipal justice court, certifying the amount thereof, for what services they are payable, and all witness and jury fees in cases under the State laws shall be paid by the treasurer of the county of Kalamazoo the same way that like fees are paid

By county.

in justice courts in the townships, and upon a certificate of the clerk of said municipal justice court, stating the amount of said fees, to whom payable and for what services.

SEC. 27. In all cases where a party is required or allowed by law to give a bond as a condition of commencing or prosecuting any suit, action or proceeding in such municipal court, such party may execute and file such bond, or he may in the discretion of the court deposit with the clerk thereof the amount of the bond required in legal tender of the United States; and in garnishment proceedings the principal defendant may have any money or effects released which have been garnisheed by filing with the justice a bond approved by said justice in double the amount of plaintiff's claim stated in his affidavit, and not less than fifty dollars, or depositing with the clerk of the court an amount equal to such a bond in money, which money shall remain with said clerk until disposed of by the court according to law. A certificate of such deposit setting forth the case in which the amount thereof, the person by whom, the purpose for which, and the time when deposited shall be given to the party depositing the same with the clerk of said court. Upon the final disposition of the case, action or proceeding in which such deposit was made, in case the party making such deposit shall be adjudged liable to pay the costs of such suit or proceeding or to pay any other sum to secure the payment for which said deposit was made, then such funds so deposited shall under the direction of the court be applied in payment and satisfaction of the same. Should any surplus remain after satisfying such order, the same shall be returned to the party depositing it.

Where bonds required.

In garnishment.

Certificate of deposit.

Final disposition of case.

Surplus.

SEC. 28. In all prosecutions before said justice for a violation of the general laws of the State, the county of Kalamazoo shall be liable for justice fees, and other fees and costs to the same extent that it is liable under the general laws of the State for justice fees, and the clerk shall make out a certified bill in the name of the justice, and present the same to the board of supervisors of said county, and said board shall allow the same as in other cases of bills from justices, and the amount of the order therefor when received shall be paid to the city treasurer: *Provided, however.* That nothing herein contained shall require payment of any justice fees by the county for said cases arising within the limits of the city, but said county of Kalamazoo shall be liable for all fees of officers, juries and witnesses in said cases.

Justice fees, liability of of county for.

Proviso, cases arising within city.

SEC. 29. The municipal justice mentioned herein shall have power to make and adopt such rules of practice and decorum for the conduct of said court not inconsistent with the general laws of the State or the charter and ordinances of said city, as to him may be deemed advisable for the purpose of facilitating the business of said court, which rules shall be entered upon the civil docket of said justice and

Rules of practice and decorum.

Entered upon civil docket.

signed by him and any party violating any rule relating to decorum in said court shall be guilty of contempt and be so adjudged by said court, and for such violation the said justice may fine the offender in a sum not to exceed fifty dollars or commit said offender to the common jail of Kalamazoo county for a period not exceeding thirty days. If only a fine be imposed in default of the payment thereof, said offender may be committed to said common jail until said fine is paid for a term not to exceed thirty days.

Style of  
process;  
how tested.

SEC. 30. Prosecution under the ordinances of the city shall be commenced and carried on in the name of "The People of the State of Michigan," and the practice in such cases shall, except as herein otherwise provided, be the same as near as may be as in criminal cases cognizable by justices of the peace in townships: *Provided*, That any person making a complaint, except city officers, shall give security for costs in the same manner as is required in criminal cases under the general laws of the State, which security shall have the same force and effect and judgment shall be rendered against said complainant and surety and execution issue thereon when the said justice shall be satisfied there was not reasonable cause for making said complaint.

Proviso,  
security for  
costs.

Warrants,  
how directed  
and served.

SEC. 31. Warrants issued by said municipal justice upon complaint for violation of any city ordinance or by-laws or for the commission of any crime or misdemeanor under the laws of this State, shall be directed to the chief of police, or any police officer of said city of Kalamazoo, the sheriff or any constable of said county, any one of whom shall be authorized to serve said warrants: *Provided*, That the chief of police or any police officer of said city shall not be authorized to serve any warrants, except within said city of Kalamazoo.

Proviso,  
chief of police.

Jurisdiction,  
when not lost.

SEC. 32. Whenever a defendant in any criminal proceeding before said justice shall voluntarily consent that his case may be adjourned for more than one week, said justice shall not by reason of said adjournment lose jurisdiction of the same.

Appeals,  
how taken.

SEC. 33. Said municipal justice of the peace shall be deemed justice of the peace of Kalamazoo county, and appeal from his judgment or from the judgment of said municipal justice court may be made to the circuit court for the county of Kalamazoo in the same manner as appeals from judgments of justices of the peace in townships are made, and writs of certiorari may be issued to said justice in the same manner and with like effect as if issued to a justice of the peace of a township, except as herein otherwise provided.

Certiorari.

Vacancy in  
office of  
justice.

SEC. 34. In case a vacancy shall at any time occur in the office of municipal justice of the peace herein provided for, by death, resignation, removal or other cause, it shall be the duty of the city council of the city of Kalamazoo to fill such vacancy by appointment of some suitable person, who shall

upon duly qualifying therefor fill such vacancy until the next general election, when a municipal justice shall be elected to fill the unexpired term of office.

SEC. 35. It shall be unlawful for said justice or said clerk to act as counsel, agent or attorney for any party in any matter, suit or proceeding within the jurisdiction of said court. The violation of this provision shall be deemed misconduct, and shall be sufficient cause for removal from office of the party so violating.

Justice not to act as counsel, etc.

Cause for removal.

## CHAPTER XXX.

### BOARD OF HEALTH AND POOR COMMISSIONERS.

SECTION 1. From and after the first day of May, nineteen hundred eight, there shall be a board of health and poor commissioners appointed by the mayor and confirmed by the council, whose terms of office shall be, except as herein otherwise provided, five years each. The board shall consist of five members. The first appointments made hereunder shall be made after the second Monday in April and before the first day of May, nineteen hundred eight and shall be for such length of terms as will create a board whose members shall hold for one, two, three, four and five years, so that the term of one member will expire in each year on the first day of May. The appointments shall be so made that not more than three members of any one political party shall be members at any one time. Two members at least of such board shall be practicing physicians and graduates of some legally authorized medical college of this State or of one of the United States, or of any other country. After the second Monday in April and before the first day of May in the year nineteen hundred nine and in each and every year thereafter one person shall be appointed by the mayor and confirmed by the city council as a member of said board. All members shall hold until their successors are appointed and have qualified.

Appointment, term.

Five members.

Physicians, two members to be.

Annual appointment.

SEC. 2. The board of health and poor commissioners as thus constituted shall have all the authority that is conferred upon boards of health by the general laws of this State, not repugnant to the provisions of this chapter, in addition to the special powers vested in said board by this chapter, and said board shall be vested with the entire charge and care of poor persons entitled to relief in the city of Kalamazoo, and shall have the same powers and authority as supervisors acting as directors of the poor in townships of the State, where the poor are cared for under what is known as the township system, and be subject to the same duties and liabilities as directors of the poor in that regard: *Provided*, That said board may adopt such plan and system in the administration of the poor laws in the city of Kalamazoo as it may

Power and authority.

Provide, plan and system.

deem adapted to secure the greatest efficiency in the care and relief of the poor.

Health officer,  
term.

Removal.

Chief  
executive  
officer, duties,  
etc.

Supt. of poor,  
term, removal.

Chief officer.

City  
physician,  
term,  
removal.

Qualifications  
and duty.

Milk, meat and  
food inspector,  
term, duty.

Annual report.

Assi-tants  
provided.

SEC. 3. It shall be the duty of said board to appoint a health officer who shall be a practicing physician and graduate of some authorized medical college. His term of office shall be two years. Such health officer may be removed from office for lack of good behavior or efficient service by a majority vote of all of the members of said board. He shall be the chief executive officer of the health department. He shall exercise the powers and perform the duties conferred upon him by the provisions of this chapter and the general laws of this State in regard to health officers not inconsistent with the provisions of this chapter, and he shall exercise the powers and perform the duties not inconsistent with the general laws of this State that shall from time to time be required of him by said board.

SEC. 4. It shall be the duty of said board to appoint a superintendent of the poor, whose term of office shall be for two years. He may be removed by a majority vote of said board for lack of good behavior or efficient service. Such superintendent of the poor shall be the chief executive officer of the poor department. He shall exercise the power and perform the duties conferred upon him by the provisions of this chapter and the general laws of this State in regard to the care of the poor, and devote his entire time to the duties of his office.

SEC. 5. The said board of health and poor commissioners shall appoint a city physician. His term of office shall be two years. He may be removed by a majority vote of said board for lack of good behavior or efficient service. Such city physician shall be a practicing physician and a graduate of some legally authorized medical college of this State or one of the United States, or some other country, whose duty it shall be to prescribe for and treat professionally the poor of said city suffering from sickness, disease, or injuries of any kind, and who shall perform such services as may be required by said board or the city council.

SEC. 6. The said board of health and poor commissioners shall upon the going into effect of this act appoint a milk, meat and food inspector for the city of Kalamazoo. His term of office shall be two years. Such inspector may be removed from office for lack of good behavior or efficient service, by a majority vote of all the members of said board. He shall perform such duties as may be required of him by the State law, the ordinances of the city and the rules and regulations of said board. He shall annually in the month of April in each year make a report to the city council of the city of Kalamazoo of his work in the preceding year, and shall report to said board of health and poor commissioners as often as may be required by the rules and regulations of said board. The board of health and poor commissioners may provide such assistant or assistants as may be required by



said inspector in the performance of his duties, and provide such compensation for such assistants as may be approved by the city council of said city.

SEC. 7. The said board of health and poor commissioners shall in the month of May in each year elect one of their members president, whose duty it shall be to preside over all of the meetings of said board. The health officer shall act as secretary of said board. It shall be the duty of the secretary to attend all meetings of said board of health and poor commissioners and to keep a record of its proceedings, and such record, or a duly certified copy of the same, or any part thereof, shall be prima facie evidence of the facts therein contained in any court or before any officer. Said board shall also have power to employ inspectors at a compensation not to exceed two dollars per day, in connection with the sanitary and health work of said board, and report such employment and the terms thereof to the city council at its next regular session and such assistance to the secretary and at such salary as the city council shall decide.

President of  
board of  
health,  
election of.  
Secretary,  
duty of.

May employ  
inspectors, etc.

SEC. 8. Said board shall meet at least twice in each month and as much oftener as may be necessary. A majority of said board shall constitute a quorum for the transaction of business. Members of said board shall serve without compensation. All necessary expenses incurred by said board and its health officer, physician, milk and food inspector, and secretary, in the discharge of their respective duties shall be proper charges against the city and be audited and paid out of the appropriate funds of the city in the same manner as other charges against the city are audited and paid.

Meetings/  
quorum,  
compensation.

Expense,  
how paid.

SEC. 9. It shall be the duty of said board of health to take effectual measures to prevent the entrance of any contagious, pestilential or infectious disease into the city; to stop, detain, and examine for such purpose every person coming from any place whom they have good reason to believe is infected with any such disease; to cause any person who may be infected with any contagious, pestilential or infectious disease within the limits of the city to be removed to the hospital, if in the opinion of the health officer and one other practicing physician in good standing, together with that of one of the members of this board, such removal is found necessary for the preservation of the public health: *Provided*, That the removal can be made with safety to the infected person. Said board of health may remove or cause to be removed from the city or destroy any furniture, wearing apparel, goods, wares, merchandise or any article of property of any kind which it shall have good reason to suspect of being tainted or infected with any contagious, pestilential or infectious matter, or that shall be likely to pass into such a state as to generate or propagate disease, upon paying for the same as hereinafter provided; to abate

Board of  
health,  
duty of.

Proviso,  
safety of  
removal.

Nuisances,  
abatement of.

all nuisances of every description which are or may become injurious to public health in any manner it may deem expedient, and from time to time perform all acts and make all regulations which it may deem necessary for the preservation of the public health and suppression of disease in the city; to recommend to the city council the passage of such by-laws, ordinances or regulations as it shall deem expedient for the preservation of the public health and the suppression of disease in the city: *Provided*, That said board of health may act summarily and proceed independent of the city council, where in its judgment the emergency requires it in the suppression of any public nuisance and the enforcement of its rules and regulations in the premises. It may establish, maintain and regulate a suitable hospital at some place within the city or not exceeding two miles beyond its corporate limits.

Proviso,  
independent  
action by  
board.

Hospital, may  
establish.

When board  
may act in  
first instance.

SEC. 10. Where in the abatement of any public nuisance it becomes necessary to incur expense in connection therewith to be charged up against the property on which the nuisance exists, the board of health and poor commissioners may, if necessary, act in the first instance at once, and abate the same; and if it shall have acted independent of the city council, it shall immediately report the cost and expense thereof to the city council, to the end that the necessary steps may be taken to carry such expense into the proper roll to be enforced against the real estate upon which the nuisance is located. If summary action shall not be required in order to protect the public health the board of health and poor commissioners shall report to the city council and recommend such action to it as it deems advisable in order to abate the nuisance, and act thereafter in such case upon the advice and directions of the city council.

If summary  
action not  
required.

Full police  
power.

SEC. 11. The members of the board of health and poor commissioners, the health officer, city physician, milk and food inspector shall have full police power in matters pertaining or belonging to their respective departments, and it shall be their duty to arrest all persons who are, in their sight, engaged in violating any of the by-laws, ordinances or regulations of the city in relation to the health of its citizens. Any violation of any of the said by-laws, ordinances or regulations as aforesaid, shall be deemed a misdemeanor punishable by a fine or imprisonment, or both, in the discretion of the court, the fine not to exceed one hundred dollars and the imprisonment not to exceed ninety days in the jail of Kalamazoo county.

Penalty for  
violation.

Annual report  
to State  
board of  
health.

SEC. 12. Said board of health and poor commissioners shall report annually to the State Board of Health in the same manner as local boards of health are now or shall hereafter be required by law to report to said State Board of Health. It shall make its report annually on or before the second Monday of April in each year to the city council

To city  
council.

of the city of Kalamazoo, concerning all sanitary matters, and make such other and further reports to the city council as may be required by such body from time to time.

SEC. 13. Whenever said board of health and poor commissioners shall remove from the city or destroy any furniture, wearing apparel, goods, wares, merchandise or any article or property of any kind as provided for in this chapter, it shall immediately make an itemized list of the same and file such list in the office of said board, and the date of the receipt and filing of the same shall be endorsed on the back thereof by the secretary of said board. Such board shall immediately make a copy of such list and file the same in the office of the city clerk who shall endorse on the back thereof the date of the receipt and the filing of the same. Within sixty days after the filing of such copy in the office of the city clerk as aforesaid, the city council shall determine the value of the property so removed from the city, or so destroyed, and shall cause the value of the same as determined by it to be paid out of the general fund, to the person or persons entitled to such property.

Itemized  
list of furni-  
ture, etc.

To make  
and file copy  
of list. 4

Value de-  
termined  
and paid.

SEC. 14. The owner, driver, conductor, or other person in charge of any stage coach, railroad car, or other public conveyance which shall enter the city having on board any person known to him to be sick of any malignant fever or other contagious, pestilential or infectious disease, shall within two hours after the arrival of such person, report in writing the fact to the mayor or to the health officer of said board, with the name of such person and the house or place where he was put down in the city, and every neglect to comply with any of the foregoing provisions shall be deemed a misdemeanor and punishable in manner and form as provided in this chapter.

Misdemeanor,  
failure to  
report  
arrival of  
infected  
person, etc.

SEC. 15. Any person who shall knowingly bring or cause to be brought into the city any person or any property of any kind tainted or infected with any malignant fever, contagious, pestilential, or infectious disease, shall be deemed guilty of a misdemeanor and punishable in manner and form as provided in this chapter.

Misdemeanor,  
to knowingly  
bring.

SEC. 16. Every keeper of a hotel, lodging house, or boarding house and every householder in the city who shall have in his house at any time any person sick with any contagious, pestilential or infectious disease, shall report such fact and the name of such sick person in writing within three hours after such fact shall have come to his knowledge to the mayor or to the said board of health or the health officer thereof. Every physician in the city shall report in writing to the health officer at his office the name, residence and disease of every patient whom he shall attend professionally and who shall be sick of any contagious, pestilential or infectious disease within six hours after the nature of such disease shall have become apparent to the said attending

Householders,  
etc., to report  
contagious,  
etc., disease.

Physicians.

Penalty.	physician. Any violation of any of the provisions of this section shall be deemed a misdemeanor and punishable in manner and form as provided for in this chapter. All written reports made to the health officer or to the board of health and poor commissioners shall be written and signed in ink.
Reports to be in ink.	
Assistants to look after indigent persons.	SEC. 17. The said board of health and poor commissioners shall have power and it shall be its duty to employ such assistants as may be necessary to look after and provide for the indigent persons of the city of Kalamazoo efficiently; to prescribe their duties in such matters and to discharge them at will. It shall have power to make all necessary rules and regulations for the government of the work of the board, the appointment of its officers and committees, and the guidance of its members and employes in the transaction of the business of the department in all its details. It shall provide for and cause to be made careful, kindly, but thorough investigation into the actual circumstances and needs of all applicants for support or assistance, so as to discover and provide for all who are worthy and entitled to relief, and reject unworthy applications. It shall have the power, when deemed wise, to impose a labor test on persons asking for assistance from the city requiring them to perform such labor as may be provided in return and compensation for the assistance furnished such persons. It may purchase such supplies as in its judgment may be necessary for the proper performance of its duties hereunder. Until the city shall procure and maintain a hospital of its own said board shall be authorized on reasonable terms to place dependent poor persons who have been disabled by accident or who are sick in private hospitals for surgical operations or medical treatment when it shall deem it necessary.
Rules and regulations of board.	
Applications for support; investigation of.	
Labor test.	
Supplies.	
Private hospitals, use of.	
Board to submit estimate.	SEC. 18. It shall be the duty of said board of health and poor commissioners to prepare and submit to the city council of said city for ratification or amendment on or before the first of May in each year an estimate of the probable cost and expense of maintaining the work of said board as a board of health and sanitation for the ensuing year. It shall also prepare and submit at the same time a separate estimate of the work of said board in connection with the poor department thereof and caring for the poor of said city for the ensuing year specifying the objects of the expenditures in detail, and the sum desired for each with the reasons for the same which the board may have. Said board shall not be authorized to incur any indebtedness nor enter into any contract not provided for or included in said detailed annual estimate for such fiscal year, unless specially authorized so to do by a majority vote of all the members elect of the city council of said city. All accounts, claims and demands for or on account of all matters in charge of the board of health and poor commissioners shall be itemized and verified and when allowed by the board shall be certified to the clerk of
Separate estimate for poor department.	
Accounts, claims, etc., allowance of.	

said city, who shall report the same to the city council for payment to be paid from the fund against which such items are properly chargeable, and the said board may also report without recommendation to the clerk any claim or demand presented to it, the validity of which may be in doubt.

Sec. 19. The said board of health and poor commissioners shall keep a careful record of all persons admitted to the county poor house on the order of the board and of the time they are supported therein at city expense, and shall have the right, and it shall be its duty to examine the account presented by the superintendents of the poor to the board of supervisors of Kalamazoo county, for all persons maintained in the county home aforesaid at the expense of the city before the same is allowed and ordered spread upon the tax rolls of the city by said board of supervisors.

County poor house, record of persons admitted.

Account.

Sec. 20. No length of actual residence by any person within the city, while supported wholly or partially at the expense of the county or any township shall operate to give such person a settlement in the city.

Settlement, when residence not to give.

Sec. 21. In case any person is abandoned, neglected or not maintained and likely to become chargeable upon the city for support the county superintendents of the poor shall have the same right to take possession of and proceed against the property of the husband or parent responsible therefor, that they have by the general laws of the State, when such person is liable to become chargeable upon the county or township.

Property of abandoned, etc., persons.

Sec. 22. The salary of all officers provided for in this chapter shall be such as are recommended by the board and approved by the city council and shall be paid monthly out of the general funds of the city in the same manner as the salaries of other city officers are paid.

Salaries; amount, how paid.

## CHAPTER XXXI.

### BOARD OF BOND COMMISSIONERS.

SECTION 1. Immediately upon the going into effect of this act, the mayor, with the consent of the city council, shall appoint a board of bond commissioners, consisting of three members. The term of one member shall expire the first day of May, next after his appointment; the term of one member shall expire in one year from the first day of May, next after his appointment, and the term of one member shall expire in two years from the first day of May next after his appointment. Each member shall hold until his successor is appointed and qualifies. After the second Monday in April and on or before the first day of May in each and every year hereafter the mayor, shall, with the consent of the city council, appoint one person as a member of said board, whose term of

Appointment, term.

Vacancies.	office shall be for three years and until his successor is appointed and qualifies. Any vacancies occurring upon said board from any cause whatever shall be filled for the unexpired term by the appointment of the mayor, with the consent of the city council. All appointments shall be so made that not more than two members shall belong to any one political party. By and with the consent of the city council the mayor may remove any member of the board for gross inattention to duty or inefficiency. However, no member shall be removed without a ten days' written notice of the charges to be preferred against him and an opportunity to be heard before the city council.
Removal from office.	
Ex-officio members.	SEC. 2. The mayor and chairman of the finance committee of the city council shall, ex-officio, be members of the board of bond commissioners but shall have no vote. The city clerk shall be the clerk of the board and it shall be his duty to keep a true record of all meetings of said board, which records shall be kept on file in and be a part of the records of the office of the city clerk.
Clerk.	
General duties and powers. Record of bond issues.	SEC. 3. The general duties and powers of the board of bond commissioners shall be as follows: Immediately upon the appointment of said board of bond commissioners as provided by this act, it shall be its duty to make or cause to be made a complete record of each bond issue of the city of which any of the bonds are still unpaid. This record shall be made in books provided by the commission for this purpose and shall show in detail the amount of each of the said bond issues, the number of each bond, the amount, when due, the rate of interest, to whom sold, price sold at, where and when payable, when paid, and such further information as will be necessary to enable the board to have a perfect understanding at all times as to the exact situation with reference to the bonded indebtedness of said city, and to enable it to make such special reports as may be required by the city council as hereinafter provided. It shall also as soon as possible determine the amount of funds in the hands of the city which properly belong to the funds hereinafter referred to as "sinking funds." This information shall be recorded in a book or books provided for that purpose which shall show in detail the amount of each special assessment, by whom paid and payable, the amount of interest paid thereon, an itemized statement of the amount of assessments due and past due and to become due, as related to each special assessment bond issue, funds derived from accrued interest and premiums on bonds sold, and all information which will enable the bond commissioners to check up and balance the books with the amount of money in the hands of the city, and which will hereafter properly belong to what are designated in this chapter as "sinking funds," and which will enable the bond commissioners to make such detailed reports to the city council as are hereinafter provided. The board of bond commissioners shall sell all bonds of every
"Sinking funds," amount determined.	
How recorded.	

name and nature issued by the city. It shall have the direction and supervision of all funds raised and collected in any way for the purpose of paying or retiring bonds or interest thereon, whether said funds are realized by special assessment, by an appropriation by the city council or in any manner whatsoever, and it shall also have the direction and supervision of all funds paid to the city to secure perpetual care of lots in the city cemetery or cemeteries. No action of the board shall be final until confirmed by the city council by a written resolution duly recorded upon its minutes.

Funds,  
direction and  
supervision of.

Council to  
confirm.

SEC. 4. The said board of bond commissioners shall, upon its appointment and annually thereafter in the month of May elect one member president, whose duty it shall be, when present, to preside over the meetings of said board. Said board shall meet from time to time and at least once each month and whenever a meeting is called by the president or any two members. Two voting members shall constitute a quorum for the transaction of business, and the board of bond commissioners shall not buy in or pay the outstanding debt of said city or invest any of the moneys belonging to the various funds as above provided, except under a written resolution for such purpose passed and approved by at least two of the three voting members of the board by yeas and nays to be entered of record at a regular meeting or a special meeting called for such purpose.

President,  
meetings,  
quorum, etc.

SEC. 5. For the purpose of this chapter the terms "bonding fund" or "bond fund" shall be construed to mean funds derived from the sale of bonds. The term "sinking fund" shall be construed to mean all funds raised or received for the retiring of bonds, and the paying of interest thereon, whether by special assessment or otherwise.

"Bonding  
fund" and  
"Sinking  
fund"  
construed.

SEC. 6. The board of bond commissioners shall from time to time and whenever the sinking fund will permit, and upon the best terms it can make, purchase or pay the outstanding bonded debt of said city, or such part thereof as it may be able to purchase or pay until the full amount thereof be fully purchased or paid. Whenever it cannot arrange for the purchasing or paying of said debt, or any part thereof, it shall temporarily and until it can so arrange, invest the moneys belonging to the various sinking funds in such interest bearing securities as it may deem advisable, subject to the restrictions of section twelve of this chapter; and all matured bonds and interest coupons of said city so purchased or paid shall be properly and carefully cancelled by the board of bond commissioners and filed in a book kept for that purpose, and be delivered to the city treasurer as custodian for the city. All other bonds or interest bearing securities so purchased shall for the purpose of rendering them non-negotiable be endorsed by the board of bond commissioners as follows:

To purchase  
outstanding  
bonded debt.

When may  
invest in  
securities.

"Not transferable without the written consent of two of the board of bond commissioners of the city of amazoo." This endorsement to be dated and signed of

Temporary  
investment,  
preference  
given.

Exclusive  
control of  
sinking funds.

City treasurer  
to have  
custody.

Premiums,  
etc., how  
credited.

Transfer of  
interest to  
sinking fund.

by at least two of the board of bond commissioners; said bonds or other interest bearing securities shall then be delivered to the city treasurer and shall become and be the property of the city of Kalamazoo, held and controlled by said board of bond commissioners, and all the interests upon such securities which may be collected by the city shall be credited to and belong to the sinking fund from which the purchase of said bonds was made, or in case the bonds were purchased with moneys from several sinking funds, then said interest shall be pro-rated among the said sinking funds. Such bonds shall only be transferred and sold under the direction of the bond commissioners. In making temporary investment of the money of the sinking funds the said board shall give the preference to unmatured bonds of said city of Kalamazoo, but may subsequently sell the same and apply the proceeds to the purchase of other securities or to the purchase of other bonds of the city whenever such action is deemed advisable.

SEC. 7. Said board of bond commissioners shall have exclusive control of the moneys of all the various sinking funds of the city, expressly including all sinking funds for the payment of special assessment, street improvement and sewer bonds. It shall faithfully apply the same whenever possible, or it may appear to the city's interest, to the payment of the principal and interest of the bonded indebtedness of the city of Kalamazoo, and to no other purpose whatever, except as in this chapter otherwise provided. However, the moneys from one sinking fund shall not be used to retire bonds payable out of another sinking fund, but the board may temporarily invest any portion of any sinking fund in bonds payable out of other funds.

SEC. 8. The city treasurer shall have custody of all moneys, securities and evidences of debt belonging to or appertaining to any of the sinking funds, and he shall pay out the moneys of said funds only by order of the board of bond commissioners, on a two-third vote of the voting members thereof as aforesaid, confirmed by the city council, and upon the warrant of the city clerk, countersigned by the mayor and treasurer. The official bond of the city treasurer shall cover any and all funds and securities in his hands belonging to the sinking funds.

SEC. 9. Whenever any bonds of the city of Kalamazoo shall be sold for more than par value all of the premium or amount received at such sale more than the par or face value of the bonds sold, including interest accrued upon such bonds that may be paid by the purchaser shall be credited and belong to a sinking fund to be used for the payment of said bonds. In case any interest shall be paid to the city on other funds than the sinking funds or the funds for the "Perpetual Care" of lots in the city cemetery or cemeteries the same shall be transferred to the sinking fund for the retiring of general city bonds.



SEC. 10. Whenever there shall be in the general fund or in any bond fund any money which, in the judgment of the city council, could to the advantage of the city be loaned or invested for a time, it shall be the duty of the city council to request the bond commissioners to report to the city council as soon as possible what temporary loan or investment or use of said sum can be made to the best advantage of the city, with their recommendations, and upon the receipt of said report the city council shall decide by a ye and nay vote whether or not said commissioners shall make such temporary loan or investment.

When money to be loaned.

Commissioners to recommend.

SEC. 11. The bond commissioners may temporarily loan moneys from the various funds under their control to the city, but nothing in this section contained shall authorize the bond loaning to the city any sum in excess of the amount the city can expend during the current fiscal year.

Temporary loans, to city, limited.

SEC. 12. The board shall only invest city funds in government, State or municipal bonds. It may make temporary loans to the city subject to the conditions contained in section eleven. Nothing in this section shall be construed to prevent deposits in banks and trust companies.

Investment of city funds.

Bank deposits.

SEC. 13. The board of bond commissioners shall have the direction and supervision of the fund for the perpetual care of lots in the city cemetery or cemeteries. It may invest said funds in such securities as it may deem best, subject to the foregoing restrictions. All interest on said fund or funds shall be used by the city council in the maintenance of perpetual care lots.

Fund for "Perpetual care" lots, investment, etc.

SEC. 14. The board shall have general supervision of all records pertaining to the fund of "Perpetual Care" lots. All city officials shall at all times furnish the commissioners with such help and information as may be desired by the commissioners in all matters relating to the city finances.

Records, supervision of.

Information furnished.

SEC. 15. Whenever an issuance of bonds shall be authorized by the city council, the sale of said bonds shall be made by the board of bond commissioners and confirmed by the city council.

Bonds, sale and confirmation of.

SEC. 16. Whenever, after the payment of all obligations for which an issuance of bonds was made, there shall be any balance in the fund, the same shall be transferred to a sinking fund for the payment of the said bonds.

Balance transferred.

SEC. 17. No action of the board of bond commissioners, either in the retiring of bonds or the loaning or investing of funds or the payment of interest, shall be final until confirmed by the city council by a written resolution duly adopted and recorded.

No action final until confirmed by council.

SEC. 18. The commissioners shall from time to time, but at least annually, and whenever requested by the city council make a detailed report of all the proceedings of the board of bond commissioners, the condition of all or any particular sinking fund, the amount of all or any particular issue of bonds outstanding, and when the same are due, together with

Annual report of proceedings, etc.

works system as are necessary to effect such change in the source of its water supply, as its council may, from time to time, during the years nineteen hundred seven and nineteen hundred eight, by resolution or ordinance adopted by a majority of its aldermen elect, determine and direct.

Provisions,  
applicable.

SEC. 2. The provisions of the charter of said city, being act number three hundred twenty-one of the local acts of eighteen hundred ninety-three, and all acts amendatory thereof and supplementary thereto, shall be applicable to such improvements as the council of said city shall undertake pursuant to the authority of section one of this act: *Provided*, That it shall not be necessary that such improvement or improvements shall be or shall have been designated in the annual appropriation bill for the fiscal year or years covering said years nineteen hundred seven and nineteen hundred eight.

Proviso.

Expense of  
improvements,  
how defrayed.

SEC. 3. Such part or portion of the expense of said public improvements as the council of said city shall determine, shall be defrayed from the appropriate general funds of said city, and such part of the expense of such improvements as the council shall determine, may be defrayed by special assessment upon private property in the manner prescribed by said act number three hundred twenty-one of the local acts of eighteen hundred ninety-three, and all acts amendatory thereof or supplementary thereto: *Provided*, That such special assessments may be made notwithstanding that such improvements were not designated in any annual appropriation bill.

Proviso.

Borrow  
money and  
issue bonds,  
authority to.

SEC. 4. For the purpose of defraying that portion of the expense of such improvements as the council shall make pursuant to the authority of this act, which the said council shall have determined to pay from the appropriate general funds of said city, the council of said city is hereby authorized and empowered by resolution or ordinance thereof adopted by a majority of its aldermen elect, to borrow, from time to time, upon the faith and credit of said city, such sum or sums as is necessary to pay the portion of such costs and expense so to be paid from the general funds of said city, not exceeding in the aggregate of said sum for all of such improvements, the sum of thirty thousand dollars and to issue its negotiable, coupon bonds therefor; said bonds shall be issued at such time or times, in such manner and form, bearing such rate of interest not exceeding six per cent per annum, payable semi-annually, and shall be due and payable at such time or times not exceeding twenty years from their issue as the council of said city may direct, this issue to be in excess of the limit as fixed by the charter of said city of Gladstone.

Bonds, when  
to issue,  
interest, etc.

Bonds to be  
valid  
obligations.

Authority to  
levy and  
collect taxes.

SEC. 5. Said bonds when issued pursuant to such direction and authority of the council of said city, and when sold and delivered for not less than par value, shall be valid and binding obligations of said city. Said city shall have authority to cause to be levied in the manner now provided by

law for the levy and collection of taxes for the general funds of said city, in addition to other taxes now authorized to be raised, such sums as shall be necessary to pay the interest and principal of said bonds as the same shall mature: *Provided*, That the council of said city, when said bonds are falling due, may refund the same in such manner as merely to extend the time of payment thereof but not to increase the indebtedness of said city.

Proviso,  
extension of  
time of  
payment.

SEC. 6. In addition to the authority to borrow money in section four of this act conferred, the council of said city may borrow, on the faith and credit of said city, such portion of the cost of the improvements so by this act authorized to be made, which have been levied as special assessments upon private property as the council of said city may, from time to time, determine and direct. For the sum so borrowed, said council may issue the negotiable coupon bonds of said city in manner and form provided in said section four.

Amounts  
council may  
borrow.

May issue  
coupon bonds.

SEC. 7. Should said city issue any bonds pursuant to the authority conferred by section six of this act, the amounts paid to the city in discharge of such special assessments to the amount of the bonds so issued, together with the interest paid on said amount of such special assessments, shall be used by said city exclusively for the payment of the principal and interest of said bonds or to reimburse the interest and sinking fund of said city for any sums drawn therefrom in payment of the principal or interest of said bonds.

Amounts in  
discharge of  
special assess-  
ment, what  
used for.

SEC. 8. The powers by this act conferred are in addition to any powers already conferred upon said city, and all acts or parts of acts inconsistent with the provisions of this act are hereby, for the purposes of this act, suspended and superseded.

Additional  
powers  
granted and  
acts repealed.

This act is ordered to take immediate effect.

Approved June 18, 1907.

[No. 651.]

AN ACT to provide for the election of a county drain commissioner in and for the county of Tuscola, to prescribe his powers and duties and to fix his compensation.

*The People of the State of Michigan enact:*

SECTION 1. At the April election to be held in the year nineteen hundred eight, and each second year thereafter, there shall be elected in Tuscola county, by the qualified electors thereof, a county drain commissioner, whose term of office shall begin on the first day of May following his election and continue for two years thereafter and until his successor shall be elected and qualified. Before entering upon the discharge of the duties of his office he shall take, subscribe and

County drain  
commissioner,  
election of,  
term of  
office, etc.

Oath of office  
and bond.

file with the county clerk of said county the constitutional oath of office, and shall also execute and file with said clerk a bond to the county of Tuscola in the penal sum of ten thousand dollars, with two or more sufficient sureties to be approved by the county clerk, county treasurer and judge of probate of said county, conditional upon the faithful discharge of the duties of his said office.

Vacancy,  
filling of.

SEC. 2. In case of a vacancy occurring in the office of the county drain commissioner from any cause, it shall be the duty of the county clerk, prosecuting attorney and judge of probate of the county to fill such vacancy by appointment under their hands and seals, which said appointment shall be filed in the office of the county clerk of said county. Such appointee shall take, subscribe and file the constitutional oath of office and give bond as required in this act, and shall hold his office until his successor shall be elected and qualified as herein provided.

Notice of  
election.

SEC. 3. The sheriff of the county of Tuscola shall give at least ten days' notice in writing to be delivered to the township clerk of each township and to one of the inspectors of election in each township in said county, of the holding of each election for said county drain commissioner.

Ballots, fur-  
nishing of.

SEC. 4. The board of election commissioners of the county of Tuscola shall provide for the furnishing to the several boards of election inspectors of ballots for the election of county drain commissioner in and for said county. Such ballots shall be prepared and furnished in the same manner as ballots are prepared and furnished under the general election law of this State. The inspectors of election in the several townships in the county shall provide a separate ballot box for the reception of ballots that may be offered at such election for said county drain commissioner, and they shall make a canvass, statement and return of the votes cast for said office in the same manner as is provided by the election laws of the State, for votes cast at general elections.

Inspectors of  
election,  
duties of.

Canvass of  
votes, con-  
ducting.

SEC. 5. The county canvass of the votes cast for county drain commissioner of Tuscola county shall be made on the second Tuesday succeeding the election and be conducted in all respects in the same manner and within the same time as provided by existing laws for the canvass of votes cast for circuit judges; and it shall be the duty of the county clerk to make report to the Secretary of State of the election and qualification of said county drain commissioner, in the same manner and time as he is now required to report the election and qualification of county officers.

Report of  
election.

Powers and  
duties of  
commissioner.

SEC. 6. The said county drain commissioner shall be invested with the same powers and perform the same duties as now are or may hereafter be prescribed by the general drain laws of this State, subject to such restrictions and limitations as now are or may be hereafter prescribed by statute.

SEC. 7. Said county drain commissioner, after the taking effect of this act, may in his discretion, appoint a deputy drain commissioner, who in the event of the inability or disqualification of said drain commissioner shall be empowered to act in each and every capacity of drain commissioner and for such services receive the same compensation as the drain commissioner himself: *Provided*, That the compensation of the drain commissioner shall cease during the time said deputy shall so act. The deputy shall give a bond to the drain commissioner, which shall be approved by the drain commissioner, in the penal sum of two thousand dollars. The office of the county drain commissioner shall be maintained at the county seat, where all the records pertaining to the office shall be kept. Such office shall be furnished at the expense of the county by the board of supervisors. Under this act the county drain commissioner shall have power to employ counsel in all litigation where it is not the duty of the prosecuting attorney to conduct the same. Such attorney shall be paid out of the drain funds appertaining to the drain as to which the litigation arises. The commissioner holding office December thirty-one, nineteen hundred seven, shall continue to be commissioner until a commissioner is elected and qualified in accordance with the provisions of this act.

Deputy drain commissioner, appointment, duties, etc.

Proviso.

Bond of deputy.

Office, where to be maintained.

Legal assistance, power to employ.

SEC. 8. The commissioner elected under the terms and provisions of this act shall receive an annual salary of one thousand dollars, to be paid monthly in the same manner that other county salaries are paid, and for expenses in connection with the duties of his office a sum not to exceed three hundred dollars.

Salary of drain commissioner.

This act is ordered to take immediate effect.

Approved June 18, 1907.

[No. 652.]

AN ACT to amend section three of chapter four of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three.

*The People of the State of Michigan enact:*

SECTION 1. Section three of chapter four of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, is hereby amended to read as follows:

Section amended.

SEC. 3. The following officers and city employes shall be appointed as follows: The chief engineer and assistant engineers, the chief janitors, and assistant janitors; elevator

Appointment of certain city officials and employes.

file with the county clerk of said county the constitutional oath of office, and shall also execute and file with said clerk a bond to the county of Tuscola in the penal sum of ten thousand dollars, with two or more sufficient sureties to be approved by the county clerk, county treasurer and judge of probate of said county, conditional upon the faithful discharge of the duties of his said office.

Vacancy,  
filling of.

SEC. 2. In case of a vacancy occurring in the office of the county drain commissioner from any cause, it shall be the duty of the county clerk, prosecuting attorney and judge of probate of the county to fill such vacancy by appointment under their hands and seals, which said appointment shall be filed in the office of the county clerk of said county. Such appointee shall take, subscribe and file the constitutional oath of office and give bond as required in this act, and shall hold his office until his successor shall be elected and qualified as herein provided.

Notice of  
election.

SEC. 3. The sheriff of the county of Tuscola shall give at least ten days' notice in writing to be delivered to the township clerk of each township and to one of the inspectors of election in each township in said county, of the holding of each election for said county drain commissioner.

Ballots, fur-  
nishing of.

SEC. 4. The board of election commissioners of the county of Tuscola shall provide for the furnishing to the several boards of election inspectors of ballots for the election of county drain commissioner in and for said county. Such ballots shall be prepared and furnished in the same manner as ballots are prepared and furnished under the general election law of this State. The inspectors of election in the several townships in the county shall provide a separate ballot box for the reception of ballots that may be offered at such election for said county drain commissioner, and they shall make a canvass, statement and return of the votes cast for said office in the same manner as is provided by the election laws of the State, for votes cast at general elections.

Inspectors of  
election,  
duties of.

Canvass of  
votes, con-  
ducting.

SEC. 5. The county canvass of the votes cast for county drain commissioner of Tuscola county shall be made on the second Tuesday succeeding the election and be conducted in all respects in the same manner and within the same time as provided by existing laws for the canvass of votes cast for circuit judges; and it shall be the duty of the county clerk to make report to the Secretary of State of the election and qualification of said county drain commissioner, in the same manner and time as he is now required to report the election and qualification of county officers.

Report of  
election.

Powers and  
duties of  
commissioner.

SEC. 6. The said county drain commissioner shall be invested with the same powers and perform the same duties as now are or may hereafter be prescribed by the general drain laws of this State, subject to such restrictions and limitations as now are or may be hereafter prescribed by statute.

SEC. 7. Said county drain commissioner, after the taking effect of this act, may in his discretion, appoint a deputy drain commissioner, who in the event of the inability or disqualification of said drain commissioner shall be empowered to act in each and every capacity of drain commissioner and for such services receive the same compensation as the drain commissioner himself: *Provided*, That the compensation of the drain commissioner shall cease during the time said deputy shall so act. The deputy shall give a bond to the drain commissioner, which shall be approved by the drain commissioner, in the penal sum of two thousand dollars. The office of the county drain commissioner shall be maintained at the county seat, where all the records pertaining to the office shall be kept. Such office shall be furnished at the expense of the county by the board of supervisors. Under this act the county drain commissioner shall have power to employ counsel in all litigation where it is not the duty of the prosecuting attorney to conduct the same. Such attorney shall be paid out of the drain funds appertaining to the drain as to which the litigation arises. The commissioner holding office December thirty-one, nineteen hundred seven, shall continue to be commissioner until a commissioner is elected and qualified in accordance with the provisions of this act.

Deputy drain commissioner, appointment, duties, etc.

Proviso.

Bond of deputy.

Office, where to be maintained.

Legal assistance, power to employ.

SEC. 8. The commissioner elected under the terms and provisions of this act shall receive an annual salary of one thousand dollars, to be paid monthly in the same manner that other county salaries are paid, and for expenses in connection with the duties of his office a sum not to exceed three hundred dollars.

Salary of drain commissioner.

This act is ordered to take immediate effect.

Approved June 18, 1907.

[No. 652.]

AN ACT to amend section three of chapter four of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three.

*The People of the State of Michigan enact:*

SECTION 1. Section three of chapter four of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, is hereby amended to read as follows:

Section amended.

SEC. 3. The following officers and city employes shall be appointed as follows: The chief engineer and assistant engineers, the chief janitors, and assistant janitors; elevator

Appointment of certain city officials and employes.

Removal from  
office.

conductors and matrons employed in the city hall and municipal court building; one or more market clerks; one or more assistant market clerks; one or more weigh masters, who may also exercise the duties of pound masters, shall be appointed by the commissioner of public works and shall be under the control and direction of said official. The drivers of the municipal dog wagons shall be appointed by the commissioner of police and shall be under the control and direction of said police commissioner. The messenger of the common council shall be appointed by the city clerk and shall be under the control and direction of said officer. Any other officers and employes that may be necessary and whose appointment shall be authorized by ordinance or resolution of the common council shall be appointed by such officer, and in such manner as the common council shall prescribe. Any of the above appointees in this section provided for may be removed at any time by the officer who appointed them.

This act is ordered to take immediate effect.

Approved June 18, 1907.

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[No. 653.]

AN ACT to provide for the assessment and collection of taxes and for the transaction of other public business in the townships of Zeeland and Holland, and the city of Zeeland, Ottawa county, so far as the same have been affected by the incorporation of the said city of Zeeland.

*The People of the State of Michigan enact:*

Assessments  
stricken from  
roll.

SECTION 1. That portion of the assessments, for the year nineteen hundred seven, made by the supervisors of the townships of Zeeland and Holland, in the county of Ottawa, respectively, upon persons and property, in that portion of their respective townships now included within the corporate limits of the city of Zeeland, shall be stricken from their respective assessment rolls and shall have no more force and effect than if such assessments had not been made.

Supervisor to  
incorporate  
certain  
assessments.

SEC. 2. The supervisor of the city of Zeeland, on or before June twentieth, nineteen hundred seven, shall incorporate in the assessment roll, made for the village of Zeeland, for the year nineteen hundred seven, the assessments of the township of Zeeland for the year nineteen hundred seven, as approved by the board of review, levied against the persons and property in that portion of the said township extending beyond the corporate limits of the village of Zeeland as constituted at the time of its reincorporation as a city and now included in the city of Zeeland, and such village assess-



ment roll with said additional assessments included therein shall constitute the assessment roll of the city of Zeeland for the year nineteen hundred seven upon which shall be spread all taxes as provided by law.

SEC. 3. The township treasurers of the townships of Zeeland and Holland shall turn over to the treasurer of the city of Zeeland such proportion of the moneys standing to the credit of the poor fund in their respective townships as the assessed valuation for the year nineteen hundred six in that portion of their respective townships now within the corporate limits of the city of Zeeland, bears to the total assessed valuation for the year nineteen hundred six of their respective townships; the money so received by the treasurer of the city of Zeeland shall be disposed of according to law and the receipts of the city treasurer given to the township treasurers for the money so turned over shall operate to relieve said township treasurers and their sureties from any further liability therefor.

Township treasurers to turn over certain moneys.

SEC. 4. The supervisor, clerk and treasurer of the township of Zeeland, now residing within the city of Zeeland, shall continue to perform the duties of their respective offices as officers of said township, for the term for which they were elected, in the same manner and to the same effect as if the city of Zeeland had not been incorporated.

Certain officers to continue in office.

This act is ordered to take immediate effect.

Approved June 18, 1907.

[No. 654.]

AN ACT to amend sections one, two and ten of act number three hundred thirty-two of the local acts of eighteen hundred ninety-three, entitled "An act to provide for a joint cemetery board for the township of Midland and the city of Midland, and to regulate the powers and duties thereof, and to fix the compensation of the members of said board."

*The People of the State of Michigan enact:*

SECTION 1. Sections one, two and ten of act number three hundred thirty-two of the local acts of eighteen hundred ninety-three, entitled "An act to provide for a joint cemetery board for the township of Midland and the city of Midland, and to regulate the powers and duties thereof, and to fix the compensation of the members of said board," are hereby amended to read as follows:

Sections amended.

SECTION 1. The council of the city of Midland, from the electors of the city, and the township board of Midland township, from the electors thereof, shall each, on the first Monday

Joint cemetery board, appointment of, term, etc.

	of July, nineteen hundred seven, or as soon thereafter as may be, appoint one member respectively, of a joint cemetery board, for the term of two years from the first Monday of May, nineteen hundred seven, and each appoint one member for the term of four years from the first Monday of May, nineteen hundred seven, and said council and said township board shall, on the first Monday of May, nineteen hundred nine, and every two years thereafter each appoint one member of said board
Oath of office.	for the term of four years. The member so appointed shall take and subscribe the constitutional oath of office and file the same with the clerk of the township or city appointing him, and any vacancy occurring from the membership of said board may be supplied by the township board, when from the township, and by the council, when from the city, at any regular or special meeting properly called.
Meeting and organization of board.	SEC. 2. The members first appointed shall meet on or before the third Monday of July in the month in which they are appointed, or as soon thereafter as may be, and organize by electing one of their number as president and one member as secretary thereof, and said board shall reorganize every two years thereafter in the month of May after appointments are made and whenever circumstances may require a reorganization. The city treasurer shall be treasurer of the cemetery fund and said president and secretary shall each perform such duties as pertain to their offices respectively. Any member of said board appointed by the council, may be removed by the council, and any member appointed by the township board may be removed by said board: <i>Provided</i> , That no member shall be removed except for gross misconduct or willful neglect of duty, and he shall be furnished with a statement in writing of the charges against him and have an opportunity to be heard in his defense.
Treasurer.	
Removal of member.	
Proviso, relative to causes for removal.	
Moneys collected, fund to constitute.	SEC. 10. All money collected for or on account of said cemetery and all money received from the sale of lots or otherwise shall be paid into the city treasury and constitute a fund to be known and denominated "The cemetery fund." Said fund shall not be devoted to any other purpose, except the purposes of said cemetery. Said board shall make detailed statements of the receipts and disbursements thereof at least once in each year and file the same in the office of the secretary of said board and also publish a copy of the same in one of the newspapers of the county of Midland; and at the same time the said cemetery board shall make an estimate of the amount of money necessary to be raised upon the taxable property of said township and city, for the succeeding year, for the maintenance, support, care and improvement of said cemetery, to be apportioned between said township and city one-third to the township and two-thirds to the city and shall file a copy of such estimate each with the township clerk and the city clerk, which amount, so estimated and apportioned, shall be spread upon the respective tax rolls of said town-
Statement of financial condition.	
Estimate of expenses.	

ship and city and levied, collected and paid over the same as other township and city taxes.

This act is ordered to take immediate effect.

Approved June 19, 1907.

[No. 655.]

AN ACT to amend act number four hundred twenty-four of the local acts of eighteen hundred ninety-five, entitled "An act to incorporate the city of Traverse City, in the county of Grand Traverse, and to repeal all acts and parts of acts in conflict therewith," as amended by act number three hundred twenty-eight of the local acts of eighteen hundred ninety-nine, and act number six hundred thirty-one of the local acts of nineteen hundred five, by adding two new sections to Title XI to stand as sections six and seven, and two new sections to Title XVII to stand as sections six and seven.

*The People of the State of Michigan enact:*

SECTION 1. Act number four hundred twenty-four of the local acts of eighteen hundred ninety-five, entitled "An act to incorporate the city of Traverse City, in the county of Grand Traverse, and to repeal all acts and parts of acts in conflict therewith," as amended by act number three hundred twenty-eight of the local acts of eighteen hundred ninety-nine, and act number six hundred thirty-one of the local acts of nineteen hundred five, is hereby amended by adding two new sections to Title XI to stand as sections six and seven, and two new sections to Title XVII to stand as sections six and seven; said added sections to read as follows:

Sections  
added.

#### TITLE XI.

SEC. 6. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund.

Highways,  
streets, etc.  
authority to  
improve.

Expense paid  
by special  
assessments.

Portion of  
expense paid  
from general  
fund.

Council may vacate or abolish certain streets and lands.

Objections, notice of meeting to hear.

Filing of objections.

SEC. 7. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, it shall, by resolution, appoint a time, not less than five weeks thereafter, when it will meet and hear objections thereto; notice of such meeting with a copy of said resolution shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of said city. Objections to such proposed action of the council may be filed with the city clerk in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

## TITLE XVII.

Board of public works, power to receive certain property.

SEC. 6. Said board of public works shall also have power in its discretion to take, receive and hold any property, real or personal, by devise or otherwise, which may be granted, transferred or devised to said board in trust for the purpose of caring for and keeping in good order and repair any given lot or lots or portion of lots in the city cemetery grounds specified in such trust.

Moneys received by board, disposal of.

SEC. 7. The moneys received by said board of public works for use of said trust funds, shall be paid to the treasurer of said city, to the credit of said trust funds respectively, who shall deposit the money with other moneys of said city but shall credit such trust funds with its proportionate share of the interest paid on city deposits. Such trust funds shall be invested only in the bonds of the city of Traverse City or in other good securities that are approved by the mayor and clerk of said city. The said treasurer shall be the custodian of said trust funds and whenever he shall have an opportunity to invest the amount standing to the credit of said trust funds, he shall do so upon the advice and consent of the mayor and clerk of said city. The warrant of the clerk upon the city treasurer where countersigned by the mayor shall be a sufficient voucher for the withdrawal of said money for the purpose of investment. Whenever any money is needed for the purpose of caring for said lots or graves, and there is any money available, the same, or so much thereof as may be required, shall be paid by the treasurer when allowed by the council. The custodian of the above trust funds shall report to the council at the close of each fiscal year the condition of said trust funds and in what securities the same are invested, the amount of income derived during the year and the amount expended.

Investing of moneys.

Custodian.

Withdrawal of money for investment.

Lots or graves, money for caring for.

Custodian to make report.

This act is ordered to take immediate effect.

Approved June 19, 1907.

[No. 656.]

AN ACT to authorize the board of cemetery trustees of the village of Climax, in the county of Kalamazoo, to acquire and enlarge burying grounds in said village and approaches thereto, and to provide the manner of acquiring private property for such purpose.

*The People of the State of Michigan enact:*

SECTION 1. The board of cemetery trustees of the village of Climax in the county of Kalamazoo, whenever it may deem it desirable and necessary, may provide new burying grounds in said village, or may enlarge the limits of any existing burying ground, and may provide for suitable approaches thereto, or may enlarge the limits of any existing approach to any burying ground in said village, and, in case said board of trustees shall be unable to agree with the owner or owners of any land or any rights therein which said board of trustees desires to include within the limits of such burying ground or approaches thereto, as to the compensation to be paid therefor, the said board of trustees may authorize one or more of its members to apply to the circuit judge or any circuit court commissioner of said county for a jury of the vicinage to ascertain and determine the just compensation to be made for the real estate required by said board of trustees for said burying ground or approaches thereto, or any enlargement thereof, and the necessity for using the same; which application shall be in writing and shall describe the real estate required by such board as accurately as is required in a conveyance of real estate. Provisions relative to new burying grounds.

SEC. 2. All subsequent proceedings for the condemnation of said lands shall be in accordance with the provisions of sections four thousand seven hundred thirty to four thousand seven hundred forty-two inclusive of the Compiled Laws of eighteen hundred ninety-seven, relative to acquiring and condemning lands for school house sites, in so far as the same are applicable. Condemnation of lands, subsequent proceedings.

This act is ordered to take immediate effect.

Approved June 19, 1907.

## [No. 657.]

AN ACT to disorganize school district number seven, township of Evangeline, Charlevoix county, Michigan, and to attach the territory embraced in said district to school district number one, fractional, Evangeline township, Charlevoix county, Michigan.

*The People of the State of Michigan enact:*

School  
district, dis-  
organized.

Territory  
annexed.

SECTION 1. School district number seven of Evangeline township, Charlevoix county, Michigan, is disorganized and the territory comprising said district and described as follows: The south half of section fifteen, section sixteen, fractional section seventeen, fractional section twenty-one, section twenty-two, fractional section twenty-six, fractional section twenty-seven, and fractional section twenty-eight, the same being school district number seven, Evangeline township, Charlevoix county, Michigan, is hereby annexed to school district number one, fractional, Evangeline township; and, that from this time henceforth said school district number one, fractional, be so enlarged as to embrace as well as its present territory, the above described lands and territory.

Property,  
debts, etc.,  
transferred.

SEC. 2. All the property, real and personal, belonging to said district number seven, hereby disorganized, is hereby transferred to said district number one, fractional; and all the bonded debt, contracts and other obligations of said district number seven is hereby made the bonded debt and obligation of said school district number one, fractional.

This act is ordered to take immediate effect.

Approved June 19, 1907.

## [No. 658.]

AN ACT to amend sections fifty-two, sixty-nine and one hundred seventy-two of act number three hundred thirty-one of the local acts of eighteen hundred eighty-nine, entitled "An act to reincorporate the city of Ann Arbor, revise the charter of said city and repeal all conflicting acts relating thereto," approved March fifteen, eighteen hundred eighty-nine, as amended, and to add to said act one new section to stand as section one hundred nineteen.

*The People of the State of Michigan enact:*

Act amended.

SECTION 1. Sections fifty-two, sixty-nine and one hundred seventy-two of act number three hundred thirty-one of the local acts of eighteen hundred eighty-nine, entitled "An act

to reincorporate the city of Ann Arbor, revise the charter of said city and repeal all conflicting acts relating thereto," approved March fifteen, eighteen hundred eighty-nine, as amended, and to add one new section to stand as section one hundred nineteen, said amended sections and added section to read as follows:

SEC. 52. The city clerk shall, in addition to his duties as clerk, exercise the powers and functions of a city comptroller. He shall sign all cemetery deeds and orders upon the treasury. He shall countersign all bonds and all evidences of debt and transfer of property which the common council is authorized to make, pledging the faith of said city. He shall receive all accounts and demands against the city, shall examine them in detail, audit or allow them or such part thereof as to the correctness of which he has no doubt and which the claimant is willing to accept in full discharge thereof, file and number them as vouchers with the date thereof, and report his findings to the finance committee of the common council, who shall review such report and transmit the same to the common council with its recommendation as to the allowance or disallowance of such claims or any of them, and no claim so audited shall be binding against the city until approved by a vote of the common council, and when such claim is allowed by the common council, the city clerk shall draw his warrant upon the city treasurer for the payment thereof, designating thereon the fund from which the payment is to be made, but no warrant shall be drawn on any fund after the same has been exhausted and any warrant so drawn shall be void. When any tax or money shall be levied, raised or appropriated, he shall report the amount thereof to the city treasurer, stating the object and fund for which it is levied, raised or appropriated and the amount thereof to be credited to each fund. The city clerk shall sign all contracts and agreements on behalf of the city except as otherwise in this act provided and subject to the orders of the common council. He shall make all purchases of materials, tools, books, stationery, apparatus and property for the city or its officers not otherwise provided for herein or ordered by the common council. He shall keep a record of all officers and employes of the city and certify to the pay rolls and wages of all such officers and persons to the common council. He shall be charged, under the supervision of the common council, with the leasing, repairs, insurance and general supervision of the property of the city, and for his information may require reports from all officers and persons having any city property in charge or possession or having supervision of city employes, and make report of the same when required by the common council. He shall keep a complete set of books exhibiting the condition of the city in its various departments and funds, its resources and liabilities, with proper classification thereof of each fund or appropriation for any distinct object of expenditure or class of

Additional  
duties of  
clerk.

Idem.

Idem.

Fund or appropriation exhausted.

Appropriation in excess of fund.

Council may provide for deficiency.

Comptroller, not to make inoperative legal appropriations. Make financial report and estimates.

Salaries of city officials.

City attorney.

Additional compensation.

Treasurer.

expenditure. Whenever any such fund or appropriation has been exhausted by warrants already drawn thereon or by appropriations, liabilities, debts or expenses actually incurred or contracted for, no further warrants shall be drawn by the city clerk against such fund or appropriation until another appropriation shall be made. Whenever any appropriation is made from any fund in excess of the balance remaining in such fund after previous appropriations have been deducted therefrom and after the fixed salaries or charges thereon to be paid from said fund are deducted therefrom, he shall notify the official or officials charged with the expenditure of such appropriation of the amount of money available for such appropriation or of the fact that no money remains in the fund available for the appropriation, and after such notification no expenditures shall be made under such appropriation in excess of the amount so reported by the city clerk as available. The city clerk shall report in writing to the common council at its first meeting thereafter the reasons for such notification together with such recommendations as he sees fit. The council may provide funds for the appropriation if it sees fit, in any manner permitted by the charter or by cutting down any unexpended appropriation and returning the same to the credit of the fund from which it is drawn. If the comptroller shall attempt to cut down or render nugatory any appropriation which does not violate any provision of the charter, he may be mandamusd by order of the council on application to the circuit court. He shall, when required, or when he sees fit, make report to the council as to the liabilities and resources of the city with estimates of funds needed for current expenses and recommendations relating thereto, and he shall make an annual report showing in detail the financial transactions of the city for the fiscal year.

SEC. 69. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services: The mayor shall be paid one dollar per annum; the city clerk shall receive one thousand five hundred dollars per annum and he shall be allowed five hundred dollars per annum for clerk hire; the city attorney shall be entitled to receive such sum as the common council shall allow not exceeding six hundred dollars per annum, which shall be in full for all services rendered in suits and proceedings in courts of record; the common council may allow in addition to the salary aforesaid for such services such additional compensation as the common council shall deem just, not exceeding four hundred dollars per annum. The treasurer shall receive as full compensation for his services the sum of twelve hundred dollars per annum and an additional allowance of one hundred dollars which shall be in full for his services as well as the services of the deputy, of clerk hire, or other assistance required in the performance



of the duties of his office; said treasurer shall keep an exact account of all fees allowed by law, the collection of which is provided for in section one hundred eighty-four of this charter, and it shall be his duty to collect the same and when so collected he shall credit the same to the contingent fund, and he shall likewise account for all fees provided for collecting the taxes to be levied and collected in the said city and credit the same to the contingent fund. The marshal shall be entitled to receive such compensation not exceeding eighty-three and thirty-three one-hundredths dollars per month, as the common council shall allow; the assessor shall receive one thousand five hundred dollars per annum; the justices of the peace and the constables shall be allowed the same fees as are by law allowed to corresponding township officers; members of the common council shall serve without pay excepting for services on boards of review, election boards and boards of registration, for which services they shall receive payment of five dollars per day; supervisors and all other officers of said city shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices: *Provided*, That the common council may increase the compensation of any officer whenever authorized by majority vote of the qualified electors of the said city voting at any annual charter election, ten days' notice having been given of the proposed increase.

Fees, duty of  
treasurer  
relative to.

Marshal.

Assessor.

Justices of  
peace and  
constables.

Members of  
council.

Supervisors  
and other  
officers.

Proviso,  
increase of  
compensation.

SEC. 119. When the common council shall deem it for the public interest, grounds and buildings for workhouses, hospitals, pesthouses, cemeteries, waterworks, parks, and other necessary public uses may be purchased, erected and maintained either within the city limits or not exceeding three miles beyond the same; and they shall have authority to enforce over such lands, buildings and property, whether within or without the city, such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such workhouses or hospitals.

Council to  
purchase land  
for public uses.

Enforce  
ordinances,  
etc., over.

SEC. 172. The common council shall designate by ordinance the general funds into which the general tax upon all the property of the city shall be divided and the amount to be raised by tax for each of the general funds shall be determined by the common council prior to the tax levy and no transfer shall be made from one fund to another except by a three-fourths vote of all the members of the common council elect.

Division of  
general tax  
into funds.

This act is ordered to take immediate effect.

Approved June 19, 1907.

[No. 659.]

AN ACT to grant the board of trustees of the village of Ford, power and authority to limit the number of places in said village where intoxicating liquors are sold as a beverage, to provide therefor by ordinance, and to provide the manner in which applications for a license shall be made.

*The People of the State of Michigan enact:*

Board of trustees to have additional powers.

Liquor business, application to engage in.

Places limited in number.

Increase in number.

Application approved; local license fee required.

Enacting of necessary ordinance.

SECTION 1. The board of trustees of the village of Ford shall have power and authority, in addition to the powers already heretofore granted by the general laws incorporating villages of the State of Michigan as follows:

SEC. 2. Before entering upon the business of engaging in the sale of spirituous, fermented or intoxicating liquors as a beverage, the person desiring to engage in such business shall make application in writing therefor to the board of trustees of the said village, specifying the location of the building in which he intends to keep such saloon or bar. Such application shall be accompanied by a recommendation, signed by at least ten reputable citizens, that the applicant for such license is well known to them and has a good reputation. If, in the opinion of said board of trustees, such applicant shall not be a person of good moral character, it shall refuse to grant the application for such license.

SEC. 3. The number of places in said village of Ford, where intoxicating liquors are sold as a beverage, shall be limited to eight and no greater number shall be licensed within said village until the population thereof shall exceed three thousand, as shown by the last State or National census, or by special census appointed and taken by the said village of Ford.

SEC. 4. When the population of said village shall exceed three thousand, then one such place may be added for each thousand inhabitants or fraction thereof in excess of three thousand.

SEC. 5. After an application for a license shall have been approved by the board of trustees of the said village of Ford and before a license shall be issued, said applicant shall pay into the treasury of the village of Ford for the use of said village such sum, in addition to the license fee now provided by statute, as may be determined by ordinance, the sum of five hundred dollars.

SEC. 6. The board of trustees of the said village of Ford is hereby authorized and empowered to enact such ordinance as may be necessary to carry out and give effect to the provisions of this act.

This act is ordered to take immediate effect.

Approved June 19, 1907.

[No. 660.]

AN ACT to amend sections five and six of act number four hundred seventy-five of the local acts of nineteen hundred three, entitled "An act to establish and provide justice courts in the city of Detroit, and to repeal act number four hundred twenty-six of the local acts of nineteen hundred one, approved May thirteen, nineteen hundred one," approved May twenty, nineteen hundred three.

*The People of the State of Michigan enact:*

SECTION 1. Sections five and six of act number four hundred seventy-five of the local acts of nineteen hundred three, entitled "An act to establish and provide justice courts in the city of Detroit, and to repeal act number four hundred twenty-six of the local acts of nineteen hundred one, approved May thirteen, nineteen hundred one," approved May twenty, nineteen hundred three, are hereby amended to read as follows; Sections amended.

SEC. 5. The said justices of the peace of the city of Detroit, as against all other justices of the peace, shall have exclusive jurisdiction of all actions and proceedings within their jurisdiction, where both of the parties thereto shall, at the time of the commencement of such action or proceeding, be residents of said city. They shall also have a like exclusive jurisdiction where the original cause of action existed in favor of a resident of said city, but has been by him assigned: *Provided, however,* Such assignee resides in Wayne county. Justices of peace, jurisdiction in certain actions. They shall also have jurisdiction in all cases where either or any of the parties reside in said city. They shall also have power to hold all cases for final decision not more than ten days: *Provided,* They announce the day upon which they will render final judgment. Proviso.

SEC. 6. Each of said justices of the peace shall receive Salaries of. from the treasurer of the county of Wayne, an annual salary of three thousand dollars, payable in semi-monthly installments on the certificate of the board of auditors of the county of Wayne.

This act is ordered to take immediate effect.

Approved June 19, 1907.

## [No. 661.]

AN ACT to detach certain territory from fractional school district number one, of the townships of Verona, Colfax, Meade and Lincoln, Huron county, Michigan, and attach same to fractional school district number three of the townships of Verona and Lincoln in said county.

*The People of the State of Michigan enact:*

Territory  
detached and  
attached.

SECTION 1. The east half of sections five and eight in township sixteen north, range thirteen east, being in Verona township, Huron county, Michigan, is hereby detached from fractional school district number one of the townships of Verona, Colfax, Meade and Lincoln, in said county, and is hereby attached to and made a part of fractional school district number three of the townships of Verona and Lincoln in said county.

This act is ordered to take immediate effect.

Approved June 19, 1907.

## [No. 662.]

AN ACT to legalize certain proceedings already had and taken by school district number seven of Marion township, Osceola county, Michigan, and to authorize said school district and its officers to issue bonds of the said district to the amount of twelve thousand dollars for the purpose of building a new school house.

*The People of the State of Michigan enact:*

Proceedings  
legalized.

SECTION 1. The proceedings of school district number seven of Marion township, Osceola county, Michigan, and the action of the officers and the electors of the said school district, in voting to issue bonds of the said district to be used for the purpose of constructing new school buildings, the issuance of which bonds was, by a vote of more than two-thirds of the qualified voters of said school district, voting at an election duly called and held on the nineteenth day of March, nineteen hundred seven, and all proceedings had and taken by the officers of the said school district pursuant to said election, are hereby legalized and given the same force and effect as though they had the necessary and proper authority before such action was taken.

Bond issue  
authorized.

SEC. 2. The school board of said school district is hereby authorized and empowered, pursuant to said special election held on the said nineteenth day of March, nineteen hundred

seven, to issue regular bonds of said school district to the amount of twelve thousand dollars for the purpose of constructing new school buildings. Said bonds shall be of the denomination of one thousand dollars each. Two bonds of one thousand dollars each shall be due and payable one year from date of issue; two bonds of one thousand dollars each shall become due and payable two years from the date of issue; one bond of one thousand dollars shall become due and payable three years from the date of issue; one bond of one thousand dollars shall become due and payable four years from the date of issue; one bond of one thousand dollars shall become due and payable five years from the date of issue; one bond of one thousand dollars shall become due and payable six years from the date of issue; one bond of one thousand dollars shall become due and payable seven years from the date of issue; one bond of one thousand dollars shall become due and payable eight years from the date of issue; one bond of one thousand dollars shall become due and payable nine years from the date of issue; one bond of one thousand dollars shall become due and payable ten years from the date of issue; all of said bonds shall bear interest at the rate of five per cent per annum from the date of issue until paid, payable annually, which interest payments shall be evidenced by proper coupons attached to each bond, and both interest and principal shall be payable in lawful money of the United States, at a place to be determined by said school district.

Denomina-  
tions of,  
and time  
payable.

Interest.

SEC. 3. After said bonds are issued, the school board of said district shall cause to be levied a direct annual tax on all taxable property within the said school district in addition to the other school taxes, sufficient in amount to pay the interest on the said bonds when the same matures, and also to establish and maintain a sinking fund which shall be sufficient to liquidate the principal of said bonds at maturity.

Tax levied  
to liquidate  
bonds.

This act is ordered to take immediate effect.

Approved June 19, 1907.

[No. 663.]

AN ACT authorizing the board of supervisors of the county of Midland to appropriate money towards the rebuilding of a bridge across the Tittabawassee river in the city of Midland in said county, and also to appropriate money to aid in paying for the bridge across the same river in the township of Edenville in said county, and also to appropriate from the contingent fund of said county a sum of money to aid the township of Jerome in paying for a bridge across Salt river in said township, contract for which was let in the year nineteen hundred seven.

*The People of the State of Michigan enact:*

Appropriation  
for bridge  
purposes.

SECTION 1. The board of supervisors of the county of Midland shall have the power, on or before April one, nineteen hundred eight, by a majority vote of all the members of such board, to appropriate any sum, not exceeding two thousand dollars, from the contingent fund of said county, for the purpose of aiding in the rebuilding of a bridge across the Tittabawassee river in the city of Midland in said county, at the site of the Benson street bridge, and also to appropriate a sum not exceeding one thousand dollars from the contingent fund of said county, to aid the township of Edenville in said county in paying for the new cement bridge across the Tittabawassee river in said township, and also to appropriate a sum not exceeding five hundred dollars from the contingent fund of said county to aid the township of Jerome in said county in paying for the new bridge across the Salt river in said township, contract for which was let in the year nineteen hundred seven.

This act is ordered to take immediate effect.

Approved June 19, 1907.

[No. 664.]

AN ACT to amend act three hundred fifty-one of the local acts of the year nineteen hundred three, entitled "An act to create and organize a municipal court for the city of Menominee, county of Menominee, to define and limit its jurisdiction and to provide for an election of a judge thereof, and to repeal section twenty-three of title eight of the charter of the city of Menominee, being act four hundred forty-two of the local acts of the year nineteen hundred one," by adding thereto four new sections to be known as sections twenty-one, twenty-two, twenty-three and twenty-four.

*The People of the State of Michigan enact:*

SECTION 1. Act number three hundred fifty-one of the local acts of the year nineteen hundred three, entitled "An act to create and organize a municipal court for the city of Menominee, county of Menominee, to define and limit its jurisdiction and to provide for an election of a judge thereof, and to repeal section twenty-three of title eight of the charter of the city of Menominee, being act four hundred forty-two of the local acts of the year nineteen hundred one," is hereby amended by adding four new sections thereto to be known as sections twenty-one, twenty-two, twenty-three and twenty-four, to read as follows: Sections added.

SEC. 21. Said court shall have the same power to preserve order and punish for contempt, when in session, and to enforce any lawful order of the court or the judge thereof, as now possessed by the courts of record of this State. Preserve order and punish contempt.

SEC. 22. The chief of police and the policemen of the city of Menominee shall be ministerial officers of said court, and together with the sheriff and deputy sheriffs of the county of Menominee shall, when called upon, serve or execute any process or lawful order of said court. Police officers of court, duties of.

SEC. 23. The judge of the municipal court of the city of Menominee shall, within the territorial limits of said city, have all the powers, jurisdiction and authority conferred on justices of the peace by any of the laws of this State. Powers of judge.

SEC. 24. In all criminal cases within the jurisdiction of said court it shall have and possess the same powers as are conferred on circuit courts, by act number ninety-one of the public acts of nineteen hundred three, and the amendments thereto. Powers of court in criminal cases.

This act is ordered to take immediate effect.

Approved June 19, 1907.

[No. 665.]

AN ACT to annex certain territory in the village of Hamtramck, township of Hamtramck, and other territory in the township of Greenfield, to the city of Detroit, county of Wayne and State of Michigan.

*The People of the State of Michigan enact:*

Boundaries of  
territory  
annexed.

SECTION 1. The following described parcel of land in the village of Hamtramck, Wayne county, Michigan, to-wit: Commencing at the intersection of the present northerly line of the city limits of the city of Detroit with the westerly line of the right-of-way of the Detroit, Grand Haven and Milwaukee Railroad Company; running thence northwesterly along said westerly line of said right-of-way to a point where the northerly line of the city limits of the city of Detroit, extended easterly, would intersect such westerly line of said right-of-way; thence westerly along such northerly line of said city limits, so extended, to the present northerly line of such city limits; thence southerly and easterly along the present line of said city limits to the place of beginning, shall be and is hereby annexed to the city of Detroit, Wayne county, Michigan, and the same shall hereafter be and become a part of said city of Detroit.

Territory  
attached to  
voting  
districts.

SEC. 2. The said territory so annexed to said city on and after the first day of June, A. D., nineteen hundred seven, shall constitute and be attached to voting districts therein as follows: The portion of said territory which lies on the east side of the present boundary line between the fifth and seventh wards, extended northerly, shall be a part of the seventh election district of the seventh ward of the city of Detroit, and that portion which lies west of said boundary line, so extended, shall be a part of the eighth district of the fifth ward of the city of Detroit.

Boundaries of  
other territory  
annexed.

SEC. 3. All that territory situated in the township of Greenfield, county of Wayne, hereinafter described, is hereby annexed to and shall constitute a part of the city of Detroit. Said territory is described as follows, to wit: Beginning at a point on the westerly line of the present city limits of Detroit, said point being at the intersection of the westerly line of Twelfth street and the northerly line of quarter section fifty-four of the ten thousand acre tract, thence following the present city limits southerly along the westerly line of Twelfth street to a point two hundred and twenty-four and three-fourths feet northerly of the northerly line of the Boulevard, thence westerly on a line parallel with and two hundred and twenty-four and three-fourths feet northerly of the northerly line of the Boulevard, to the northeasterly line of Grand River avenue, thence northwesterly along the northeasterly line of said Grand River avenue, to the intersection with the extension of the northerly line of Allendale sub-



division of the southerly ten feet of lot four and lots seven, eight, eleven, and twelve of Tireman's subdivision of part of lot five, one-fourth sections fifty, fifty-one, fifty-two, ten thousand acre tract and fractional section three, town two south, range eleven east Greenfield township, thence westerly along the extension of said Allendale subdivision across Grand River avenue to the southwesterly line of said Grand River avenue, thence northwesterly along the southwesterly line of said Grand River avenue to the intersection of the northerly line of quarter section fifty-two of said ten thousand acre tract, thence easterly along the northerly line of quarter sections fifty-two, fifty-three, and fifty-four of said ten thousand acre tract to the place of beginning.

SEC. 4. The territory lying between the westerly line of Twelfth street and the center line of Fourteenth avenue, and the extension of the center line of said Fourteenth avenue, northerly to the city limits, shall constitute a part of the eighth ward of the city of Detroit and shall be included in the northerly voting precinct of said ward as now or as it may hereafter be established. The territory lying between the center line of Fourteenth avenue and the extension of said center line of Fourteenth avenue and the center line of Linwood avenue, heretofore called Eighteenth street, shall constitute a part of the tenth ward of the city of Detroit and shall be included in the northerly voting precinct of said ward as now or as it may hereafter be established.

Other territory attached to voting districts.

The remainder of territory hereby annexed to said city of Detroit shall constitute a part of the twelfth ward of the said city of Detroit and shall be included in the northerly voting precinct of said ward as now or as it may hereafter be established.

SEC. 5. The common council shall have the same power to change the boundaries of said election districts created by this act which it possesses to change the boundaries of any other election district in the city of Detroit.

Power to change boundaries.

SEC. 6. The common council of said city of Detroit shall, at least thirty days before the first general or special election after the passage of this act, provide for the lawful registration of the electors in said territory in their respective precincts as hereby established.

Registration of electors in said territory.

SEC. 7. This act shall not change in any respect the boundaries of the first and second representative districts of the county of Wayne as they exist prior to the passage of this act and shall not change the manner of electing representatives in said districts. The common council of the city of Detroit shall fix and establish voting precincts in said annexed territory to enable the electors in said territory to vote for representatives in the State legislature in said second representative district of Wayne county and for other lawful purposes until the next apportionment and division of Wayne county into legislative representative districts.

Boundaries of certain representative districts.

Voting precincts established.

Laws subject to.

SEC. 8. The aforesaid annexed territory shall from and after the taking effect of this act, except as herein otherwise provided, be subject to all the laws of this State, applicable to the city of Detroit and also to all the ordinances and regulations of the said city of Detroit and shall become a part of the school district as now established in the said city of Detroit and subject to all laws, ordinances and regulations applicable to said school district.

Annexation not to interfere with taxation.

SEC. 9. The annexation of said territory shall not, however, be held to interfere with or prevent the levy, collection or apportionment of any tax levied or assessed upon any of the property situated in the said territory for the year nineteen hundred seven, for State, county, school, highway or township or village purposes, and said territory shall not be subject to taxation for city purposes prior to January first, nineteen hundred eight.

What water system part of.

SEC. 10. So long as the territory within the village of Hamtramck, hereby annexed to the city of Detroit, shall continue to receive water from the water system of the village of Hamtramck it shall continue to be a part of said water system and shall continue to pay its water rates and taxes to the village of Hamtramck as heretofore. All suits now pending which affect said territory so annexed and to which the village of Hamtramck is a party shall be revived upon petition by the city of Detroit, and upon such revival said city of Detroit shall be a party thereto, and shall have the same standing. Rights and liabilities therein as though such suits had been originally begun by or against said city of Detroit as the case may be. The said city of Detroit shall assume and pay such part or portion of all the bonds, debts and obligations of every name and nature owing by said village of Hamtramck at the date this act takes effect and interest on such bonds hereafter to accrue, as the assessed valuation of the property within the territory of said village hereby annexed to said city bears to the whole assessed valuation of the territory of said village, as appears by the last assessment roll of said village.

Suits pending.

Financial obligations, assumption of.

This act is ordered to take immediate effect.

Approved June 19, 1907.

[No. 666.]

AN ACT to prohibit the maintenance of saloons or other places of entertainment in which intoxicating liquors are sold, and to prohibit the sale or giving away of intoxicating liquors within fifty rods of any public school within the county of Ottawa; the provisions of this act not to apply to incorporated cities and villages, nor to druggists who sell for chemical, scientific, medicinal, mechanical or sacramental purposes only in strict compliance with the law.

*The People of the State of Michigan enact:*

SECTION 1. It shall not be lawful to establish or maintain a saloon or other place of entertainment in which either spirituous, intoxicating, malt, brewed or fermented liquors are sold or kept for sale, nor to give away or dispose of any such liquors within fifty rods of any public school within the county of Ottawa. The provisions of this act shall not apply to cities and villages regularly incorporated under any law of this State; nor to druggists who sell liquors for chemical, scientific, medicinal, mechanical or sacramental purposes only in strict compliance with the law.

Saloons, etc.,  
maintenance  
of.

Exemptions.

SEC. 2. If any person shall by himself, clerk, agent or servant, violate any of the provisions of this act, he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars and the costs of prosecution, and be imprisoned in the county jail for not less than ten days nor more than sixty days in the discretion of the court, and in such case if the fine and costs shall not be paid at the time such imprisonment expires, the person serving such sentence shall be further detained in jail until such fine and costs are fully paid: *Provided*, That in no case the whole term of imprisonment shall exceed ninety days.

Penalty for  
violation.

Proviso.

Approved June 19, 1907.

[No. 667.]

AN ACT to fix the compensation of the county board of school examiners of the county of Kent, State of Michigan:

*The People of the State of Michigan enact:*

SECTION 1. The compensation of the members of the board of school examiners shall be fixed by the board of supervisors of the county of Kent at a sum not exceeding four hundred fifty dollars per annum at any October session of said

County board  
of school  
examiners,  
compensation  
of.

board, and may be increased or diminished at any of said October sessions. The compensation of said examiners shall be paid from the treasury of the county of Kent, quarterly. This act is ordered to take immediate effect.  
Approved June 24, 1907.

[No. 668.]

AN ACT to amend section fifty-seven of chapter seven of act number three hundred twenty-six of the local acts of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, as amended by act number four hundred seventy-two of the local acts of nineteen hundred one.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section fifty-seven of chapter seven of act number three hundred twenty-six of the local acts of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, is amended to read as follows:

Sidewalks,  
construction  
and mainte-  
nance of.

SEC. 57. The common council shall have power to require the owner or occupants of any lands in said city to build or repair when necessary any or all sidewalks in said city in front of or adjacent to the property of such owners or occupants and the common council may, by ordinance or resolution, prescribe the dimensions and specifications of all sidewalks to be built in said city and prescribe the material therefor and to be used therein, and such ordinance or resolution may fix the time within which the owner or occupant of any land in front of or adjacent to which any sidewalk is ordered to be built or repaired, shall build or repair the same, and the common council may prescribe such penalty for violation of such ordinances as it may deem proper. The building of all sidewalks in said city shall be done under the direction of the department of public works of said city, and if any person shall refuse or neglect to build or repair any sidewalk in front of or adjacent to his or her premises, of such material and within the time fixed by the ordinance or resolution aforesaid, the department of public works of said city may construct or repair the same and the cost and expense thereof shall be paid out of the contingent fund, and such cost and expense of building or repairing such sidewalk may be recovered from the owner or occupant of the land in

Who to direct,  
neglect or  
refusal.

front of or adjacent to which such walk shall be built or repaired with costs of suit in an action to be brought by said city in any court of competent jurisdiction, or such costs and expenses shall be certified to the board of assessors by said department of public works and may be assessed upon the lot or parcel of land in front of or adjacent to which such walk is built or repaired in the same manner as provided for assessments for other public improvements: *Provided*, Proviso, relative to assessment roll. Such assessment roll shall be made in two parts to be designated parts one and two, and shall be due and payable within such time as the common council may by ordinance or resolution prescribe, and like interests shall be added thereto, and like penalties in cases of non-payment shall be imposed and added thereto in the same manner as is herein provided for assessments for street paving and such interest and penalties shall be payable and collected with the part or parts to which the same may be added and the premises assessed therefor may be sold in the same manner as is provided herein for the sale of property for other public improvements, and when collected shall be placed to the credit of the contingent fund: *Provided*, Proviso, relative to liability for damages. That no such owner or occupant of any such lands shall be rendered or held liable for any damages on account of any person being injured in consequence of any such walk not being kept in proper repair.

This act is ordered to take immediate effect.

Approved June 24, 1907.

[No. 669.]

AN ACT to amend section twenty-four, chapter four, of an act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith, approved June seven, eighteen hundred eighty-three.

*The People of the State of Michigan enact:*

SECTION 1. Section twenty-four of chapter four of an act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith, approved June seven, eighteen hundred eighty-three, is hereby amended to read as follows: Section amended.

SEC. 24. If a vacancy occurs in the office of mayor or alderman more than six months before the time for holding the next succeeding annual city election, the common council shall order a special election to fill such vacancy for the residue of the official term; if it occurs within six months before the time for holding such election, the common council may, in its discretion order a special election to fill such Vacancy in office of mayor or alderman.

Franchises,  
approval of,  
and other  
propositions;  
submission to  
electors;  
special elec-  
tion therefor.

vacancy for the residue of the official term. The common council may, at any general election, submit to the electors of the city of Detroit for their approval or disapproval any franchise for any public utility or submit to the electors of the said city any question upon which the common council desires a vote of the electors of said city, or submit any proposition which, by law, must be submitted to said electors, and the common council may, in its discretion, order a special election to be held to submit to the electors of said city any such franchise, question or proposition.

This act is ordered to take immediate effect.

Approved June 24, 1907.

[No. 670.]

AN ACT to authorize the city of West Branch, county of Ogemaw and State of Michigan, to establish, construct and maintain a system of water works in said city, and to issue bonds therefor.

*The People of the State of Michigan enact:*

Borrow  
money and  
issue bonds  
for water  
works system.

Bonds, when  
due and  
payable;  
interest.

Proviso.

Submission  
of question  
to electors.

Form of  
ballot.

SECTION 1. The common council of the city of West Branch, in the county of Ogemaw and State of Michigan, is hereby authorized and empowered to borrow not to exceed the sum of thirty-five thousand dollars on the faith and credit of said city and to issue the bonds of the city for said sum, the same to be used in the construction and equipment of a water works system for said city. Said bonds shall be due and payable at such time or times as may be designated by the common council not exceeding thirty years from the date of issue, and shall bear interest at the rate to be fixed by the common council, not to exceed six per cent per annum: *Provided*, That said bonds shall not be sold for less than their par value.

SEC. 2. The question of borrowing said money and issuing said bonds shall be submitted by the common council to the electors thereof, at a special election duly called for that purpose, and the vote shall be taken as nearly as may be in accordance with the provisions of the act under which said city is incorporated. The vote upon such proposition shall be by ballot, either written or printed or partly written or printed, and the proposition shall be stated thereon in the following form: "Shall the city issue its bonds in the sum of thirty-five thousand dollars for the purpose of establishing a system of water works—Yes." And "Shall the city issue its bonds in the sum of thirty-five thousand dollars for the purpose of establishing a system of water works—No." The

ballots shall be deposited in a ballot box provided for that purpose, and the votes cast shall be canvassed, and returned in the same manner as the votes cast for city officers at an annual election.

SEC. 3. If such loan be authorized by a majority of said electors, such bonds, signed by the mayor of the city and countersigned by the clerk thereof, may be issued in such denominations and payable at such places as the common council shall determine, and may be negotiated by or under the direction of said council, and the money raised therefrom shall be applied to the purpose aforesaid under the direction of said council. Negotiations if loan authorized.

SEC. 4. In case a majority of the electors of said city shall not authorize the issue of said bonds at the first election held under the provisions of this act, then the same proposition may be again submitted to the electors by the common council, at any annual or special election duly called, at any time within four years from the approval of this act. Issue not authorized; when may again submit proposition.

SEC. 5. The said common council shall have the power to raise by taxation upon the taxable property of said city such sum or sums of money as shall be necessary and sufficient to pay the principal and interest of said bonds, as the same shall fall due. Power to raise tax to liquidate bonds.

This act is ordered to take immediate effect.

Approved June 24, 1907.

[No. 671.]

AN ACT to repeal sections twenty-nine and thirty and to amend section thirty-two of an act entitled "An act to create a fire commission in the city of Detroit," approved March eighteen, eighteen hundred seventy-one, as amended by act number three hundred sixty-four of the session laws of eighteen hundred seventy-seven.

*The People of the State of Michigan enact:*

SECTION 1. Sections twenty-nine and thirty of an act to create a fire commission in the city of Detroit, approved March eighteen, eighteen hundred seventy-one, as amended by act number three hundred sixty-four of the session laws of eighteen hundred seventy-seven, are hereby repealed. Sections repealed.

SEC. 2. Section thirty-two of said act is hereby amended to read as follows: Section amended.

SEC. 32. It shall be the duty of the fire marshal, under the direction of said board, to inspect from time to time, all buildings, warehouses, shops, yards and places in said city, for the purpose of enforcing the ordinances for the Fire marshal to inspect buildings, etc.

Refusal to  
permit inspection.

prevention of fires, and in the performance of such duties he shall have the right to enter into and upon any private property, and any person who shall refuse or obstruct such right of entry shall be deemed guilty of a misdemeanor.

This act is ordered to take immediate effect.

Approved June 24, 1907.

[No. 672.]

AN ACT to amend section eighteen of chapter four of act number three hundred thirteen of the local acts of eighteen hundred ninety-three, being, "An act to incorporate the city of Belding, in the county of Ionia, and State of Michigan."

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section eighteen of chapter four of act number three hundred thirteen, of the local acts of eighteen hundred ninety-three, being, "An act to incorporate the city of Belding, in the county of Ionia, and State of Michigan," is amended to read as follows:

Vacancy in  
office of  
mayor, who  
to act as.

SEC. 18. When a vacancy occurs in the office of the mayor, by reason of removal, resignation or other cause, the duties of that office shall be discharged by a president pro tem., to be elected by the common council until the next ensuing election, unless a petition praying for a special election to fill such vacancy shall be presented to the common council, signed by at least one-fourth of the qualified electors of said city, in which latter case the common council shall order a special election to be held to fill such vacancy. A vacancy in the office of alderman for any ward of said city shall be filled by the common council appointing a resident elector of said ward to fill said vacancy, unless a petition shall be presented to the common council, signed by at least one-half of the qualified electors of said ward, asking that a special election be held to fill the office of alderman in said ward, and in which event the said common council shall order a special election to fill such vacancy. All vacancies in the office of justices of the peace shall be filled at the next annual election: *Provided, however,* That vacancies in said office may be filled by appointment by the common council within twenty days next after the vacancy occurs, but no person appointed to said office by the common council shall hold such office for any term longer than until the next annual election of said city. Vacancies in any other office shall be filled by appointment by the common council within twenty days next after the vacancy occurs, but no person appointed

Vacancy in  
office of  
alderman.

Vacancy in  
office of jus-  
tices of peace.  
Proviso.

Vacancies in  
other offices.



to an elective office shall hold such office for any term longer than until the next succeeding annual election in said city, at which time a person shall be elected to fill such vacancy.

Appointed person, how long may hold office.

This act is ordered to take immediate effect.

Approved June 24, 1907.

[No. 673.]

AN ACT to amend section forty-two of chapter seven of "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, as amended by act approved June seventeen, eighteen hundred eighty-nine.

*The People of the State of Michigan enact:*

SECTION 1. Section forty-two of chapter seven of "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, as amended by act approved June seventeen, eighteen hundred eighty-nine, is hereby amended to read as follows:

Section amended.

SEC. 42. The council shall have power to provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress diseases generally, and, if deemed necessary, to establish a board of health, and prescribe and regulate its powers and duties; to prohibit, prevent, abate and remove all nuisances in said city, or within the distance therefrom of half a mile, and to punish the authors or maintainers thereof, and authorize and direct the speedy or immediate abatement or removal of nuisances by some officer of said city; to ordain and declare that the emission of dense, black or gray smoke from any smoke-stack or chimney used in connection with any steam boiler, locomotive or furnace of any description in any apartment house, building, boat or any other structure, or in any building used as a factory, or for any purpose of trade, or for any other purpose whatever shall be a public nuisance per se. If, in order to abate or remove any nuisance, the common council shall deem it necessary to fill up, level, or drain any lot or premises, it shall have power so to do; to assess the cost and expense of such filling, leveling or draining, and impose the same as an assessment or tax upon the said lot or premises, which shall be a lien thereon until paid, and shall be collected in the same manner as other taxes and assessments levied and

Powers of council relative to general health.

Nuisances.

Smoke.

Improvement of property.

Assessment of cost and expense.

Owner or occupant to keep property in healthful condition.

Dead carcasses, putrid meats, etc.

Garbage, etc.

Feeding to animals.  
Disposal of.

imposed by authority of the common council; it shall also have power and authority to compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap, candle, starch or glue factory, tannery, butcher's shop or stall, slaughter-house, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse or abate the same whenever necessary for the health, comfort or convenience of the inhabitants of said city; to prohibit and prevent any person from burying, depositing or leaving within the limits of said city, or within one mile distant therefrom, or keeping, or having on the premises owned or occupied by him in said city, any dead carcass, putrid or unsound beef, pork, fish, hides or skins, and any article, substance or thing that is unwholesome or nauseous, and to compel and authorize the removal thereof by some officer of said city, or to compel any person so bringing, depositing or leaving within the limits of said city, or within one mile distant therefrom, or keeping or having on the premises owned or occupied by him in said city, any dead carcass, putrid or unsound beef, pork, fish, hides and skins, and any article, substance or thing that is unwholesome or nauseous, and to compel and authorize the removal thereof by some officer of said city, or to compel any person so bringing, depositing or leaving the same within the limits of said city, or one mile distant therefrom, or having or keeping the same on the premises owned or occupied by him in said city, to remove the same. The common council is also empowered to enact and provide by appropriate ordinance for the manner of collecting, transporting, conveying and handling the garbage and all animal and vegetable matter and refuse in said city. Also to prohibit the feeding of the same to animals within said city; and to require all persons in said city to dispose of the same in a manner provided by the said common council in said ordinance for the removal and destruction thereof, and impose and enforce appropriate penalties for any violation of said ordinance.

This act is ordered to take immediate effect.

Approved June 24, 1907.

[No. 674.]

AN ACT to amend section six of an act entitled "An act to establish a police government for the city of Detroit," approved April seventeen, eighteen hundred seventy-one, as amended by an act approved May four, nineteen hundred one.

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. Section six of an act entitled "An act to establish a police government for the city of Detroit," approved

April seventeen, eighteen hundred seventy-one, as amended by act approved May four, nineteen hundred one, is hereby amended to read as follows:

SEC. 6. Said commissioner shall appoint some suitable person to act as secretary and property clerk, who shall give bonds to the city of Detroit in an amount and with sureties to be approved by said commissioner, conditioned for the safe keeping by him, and his rendition upon the order of said commissioner, of all moneys and other property which shall come into his hands by virtue of his office. The salary and compensation to be paid to each of the officers and employees of said department shall be the sum fixed and determined by the common council and board of estimates as other appropriations are so fixed.

Secretary and property clerk, appointment of, bonds required, etc.

Officers and employees, salaries and compensation.

This act is ordered to take immediate effect.

Approved June 24, 1907.

[No. 675.]

AN ACT to provide for the appointment and election of township drain commissioners in the townships of Flushing, Genesee, Clayton and Gaines, in the county of Genesee and State of Michigan, and prescribing their duties and compensation.

*The People of the State of Michigan enact:*

SECTION 1. All drains whose assessment districts are located entirely within any one of the townships of Flushing, Genesee, Clayton or Gaines, in the county of Genesee and State of Michigan, shall be termed township drains, and all drains whose assessment districts are located in more than one township of said county, or a part of whose assessment district is within any adjoining county, shall be termed county drains.

Drains to be township drains or county drains.

SEC. 2. The township board of each of said townships of said county, shall, within thirty days after the passage of this act, appoint a township drain commissioner for their respective townships, who shall hold the office of township drain commissioner until his successor is elected. At the annual township meeting held on the first Monday of April, nineteen hundred eight, and each year thereafter, there shall be elected in each of said townships a township drain commissioner, the same as other township officers are elected, who shall, within ten days thereafter, file with the township clerk of his respective township his oath of office, and also a bond in the penal sum of one thousand dollars, with good and sufficient sureties, conditioned for the faithful discharge of the duties of his office, which bond shall be approved by the township

Township drain commissioners, appointment of, term, etc.

Election of, oath of office, bond, etc.

Vacancy,  
filling of.

board and filed with the supervisor of the township. In case any vacancy occurs in the office of township drain commissioner, it shall be the duty of the township board of the township in which such vacancy occurs to fill said vacancy by appointment.

Powers of.

SEC. 3. The township drain commissioners of the said townships shall have full and unconditional control of all township drains in their respective townships. All petitions for establishing, cleaning, deepening, widening or straightening any township drain in said townships shall be made to the township drain commissioner in the same manner, and who shall proceed according to the law defining the duties and powers of county drain commissioners in Michigan, except as hereinafter provided.

Township  
board of  
drain assessors,  
who to con-  
stitute, duties  
of.

SEC. 4. The township drain commissioner and the two members of the board of review of each township, not including the supervisor, shall constitute the board of drain assessors for their respective townships, whose duties it shall be to establish all assessment districts for each drain, and apportion the cost of construction of all drains upon the property benefited, and also the per cent to be paid by the township at large for the benefit of public health and highways. They shall also sit as a board of review at the office of the township clerk of such township, giving hearing to all persons interested in said drain, said review to be held after at least ten days' notice has been given to each and every person liable for assessment of said drain, also to the supervisor and highway commissioner of the township, said notice to be given by mailing to each of the persons interested therein a copy of the assessment roll for the drain, or by leaving same at their places of residence, if such residence be known and by posting at least five copies within the township in conspicuous and public places near the said drain; said board of review shall be in session for at least one day from nine o'clock a. m. until five o'clock p. m.

•  
To act as  
board of  
review, give  
hearings, etc.

Drain assess-  
ment districts,  
establishment  
of.

SEC. 5. When any petition for establishing, cleaning, deepening, widening or straightening any township drain shall be filed with the township drain commissioner, if in his judgment the same shall be correct and sufficient, he shall, as soon as possible thereafter, call a meeting of the board of drain assessors of his township, who shall make and establish the drain assessment district for such drain, and, after said assessment district shall be established, if it is found that the petition filed with the drain commissioner is signed by the owners of at least one-fourth of the property so liable for assessment for the construction of said drain, the petition shall be deemed sufficient and be acted upon as soon as possible, but if the petition has not the required number of signers it shall be disregarded and the cost of establishing said drain assessment shall be assessed against the property owned by the signers of said petition, and the same shall be levied and collected as other drain taxes are levied and collected.

SEC. 6. After the assessment roll for any township drain has been open for review, if no appeal shall be taken as prescribed by law, the township drain commissioner shall proceed to complete the said drain and ascertain the cost of same, and complete the said assessment roll according to the fixed percentages. He shall copy the said assessment roll into a record book in his office, and on or before the fifteenth day of September he shall file the same with the township clerk of his township, together with a copy of the notice for review and all doings in the matter. The township clerk shall immediately copy the said assessment roll into his record, and on or before the first day of October file the original with the supervisor, and shall also enter the amount of all drain assessments for the year in his township into the township clerk's financial statement, and the same shall be levied and collected as other township taxes.

Drain commissioners, when to complete assessment roll and drain.

To copy assessment roll into record book, and file with township clerk.

Township clerk to copy roll and file with supervisor.

SEC. 7. All money levied and collected for establishing, opening or improving any township drain shall be collected by the township treasurer and retained by him in a special fund for each drain, and the same shall be paid out on the order of the township drain commissioner, said orders to be countersigned by the township clerk.

Township treasurer to collect moneys.

SEC. 8. The county treasurer of Genesee county shall pay to the treasurers of said townships all moneys in his hands belonging to any drain which by this act shall become a township drain: *Provided*, That no accounts for drains now in course of construction shall be transferred until the said drain is completed, and all orders issued by the county drain commissioner on said drain have been paid by the county treasurer.

County treasurer to pay township drain money to township treasurers. *Proviso.*

SEC. 9. All drains now in course of construction by the county drain commissioner in said townships shall be completed by him, the same as if this act had not been passed.

Completion of drains.

SEC. 10. The township drain commissioners and the township drain assessors of said townships shall each receive three dollars per day for each day actually employed in performing the duties of their respective offices, the same to be paid from the funds of the drains on which the services were performed: *Provided*, That no orders in payment of their services shall be drawn until they shall file with the township clerk of their respective townships an itemized statement of their account, properly certified to, and the same shall be audited by the township board.

Compensation of commissioners and assessors.

*Proviso.*

SEC. 11. The county drain commissioner shall have jurisdiction over all county drains, and all petitions for establishing, cleaning, deepening, widening or straightening any county drain shall be made to the county drain commissioner, which petition shall be acted upon according to the general drain laws of Michigan, except as otherwise provided by this act.

County drain commissioner, jurisdiction of.

May refer  
petition for  
improvement  
to township  
drain com-  
missioner.

Petition  
when deemed  
sufficient.

Who assessed  
when not  
sufficient  
signers.

Contracts,  
when to let;  
assessments,  
when levied.

Appeal from  
assessment.

Repealing  
clause.

SEC. 12. When any petition shall be filed with the county drain commissioner for establishing, cleaning, deepening, widening or straightening any county drain, if in his judgment the same shall be sufficient, he shall immediately notify the township drain commissioners of the said townships in which the property is located that would be liable for assessment for said construction, whose duty it shall be to establish the assessment district for his township the same as though it was a township drain, and forward a copy of the same to the county drain commissioner. If, upon receipt of the several lists of land liable for said assessment the county drain commissioner shall find that the owners of at least one-fourth of said lands have signed said petition the petition shall be deemed sufficient and be acted upon as soon as possible. But if said petition has not the required number of signers it shall be disregarded and the cost of establishing said assessment district shall be assessed by the county drain commissioner against the property owned by the signers of said petition and the same shall be levied and collected as other drain tax.

SEC. 13. After the assessment district of any drain shall be determined the county drain commissioner shall proceed to let the contracts for the construction of said drain in accordance with the general drain laws of Michigan, and after the gross cost of the construction of the drain is determined, he shall meet with the several boards of drain assessors of the said townships through which the drain passes, and determine the amount to be levied in each township, which amounts so determined shall be levied on the property benefited by the board of drain assessors for each township in the same manner and form as taxes for township drains are levied and the moneys so levied and collected shall be turned over to the county treasurer as other county funds.

SEC. 14. The owner of any land assessed a per cent for any benefit for the construction of any drain, who may conceive himself aggrieved by the assessment made by the board of assessors, may, within ten days after the day of review provided for in section four of this act, appeal therefrom, and for such purpose make an application to the township board, by filing with said board a notice to that effect, and by filing also a bond with such township board in the sum of two hundred dollars, with one or more sureties to be approved by said board, conditioned upon the payment of all costs in case the assessment by the board of assessors shall be sustained, and its decision shall be final.

SEC. 15. All acts or parts of acts in conflict herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved June 24, 1907.

[No. 676.]

AN ACT to amend act number five hundred eighty-six of the local acts of nineteen hundred five, entitled "An act to incorporate the city of Charlevoix, county of Charlevoix, State of Michigan," by adding four new sections thereto to be numbered respectively section six a, section six b, section six c, section six d.

*The People of the State of Michigan enact:*

SECTION 1. Act number five hundred eighty-six of the local acts of nineteen hundred five, entitled "An act to incorporate the city of Charlevoix, county of Charlevoix, State of Michigan," is hereby amended by the addition of four new sections thereto to be known respectively as section six a, section six b, section six c, section six d. Sections added.

SEC. 6a. The common council of the city of Charlevoix, hereby incorporated, may provide by ordinance for the appointment by the council, upon the recommendation of the mayor, of a city assessor who shall hold his office for one year from and after the date of his appointment, and such appointment shall be made on or before the second Monday in April in each year: *Provided*, That the term of such city assessor, if appointed after the second Monday in April of any year, shall terminate on the second Monday in April of the succeeding year. Such assessor shall in all respects be governed, except as herein otherwise provided, by the pertinent provisions of law governing the action of city assessors in cities of the fourth class. All ordinances heretofore made by the city of Charlevoix for the appointment of a city assessor and all acts of such assessor in and about the levying and collection of taxes and special assessments of said city, are hereby validated and confirmed. City assessor, appointment of, term.  
Proviso.  
Provisions governing.  
Ordinances and acts confirmed.

SEC. 6b. All taxes and special assessments levied in any tax roll shall be and remain a lien upon the lands upon which they are respectively levied until paid, and shall constitute a debt owing by the person to whom they are severally assessed to the city of Charlevoix. All special assessments heretofore made by the village of Charlevoix shall be governed by the provisions of law relative thereto as contained in the statutes incorporating cities of the fourth class as modified by this act. Taxes and special assessments to be a lien.  
Special assessments heretofore made, how governed.

SEC. 6c. If the city shall have two rolls and the city treasurer shall be unable to collect any of the taxes or special assessments on the July roll, assessed on real property on or before the thirty-first day of October in each year, he shall, on or before the fifth day of November following, make a statement of the same with a full and perfect description of such property, together with the taxes and special assessments assessed against each such description remaining un- Unpaid taxes city treasurer to make statement of.

Personal property, unpaid taxes on.	paid. He shall also in said statement show the taxes upon the personal property remaining unpaid and the names of the persons against whom such taxes are assessed and the amount against each, which statement he shall verify by his affidavit, in which affidavit he shall make oath that the sums so mentioned in said statement as uncollected, remain unpaid, and that he has not been able, after diligent search to discover any goods or chattels belonging to the person liable to pay such taxes, whereupon he could levy the same. He shall also make a statement, under oath, showing the amount of all moneys collected by him on account of the taxes on said roll. Said statements shall be filed with the city clerk on or before the fifth day of November of such year. And thereupon the city clerk shall immediately compare such statements and returns of said treasurer with the tax roll and verify the same and make settlement with the city treasurer as to said July tax roll and report the same to the council at their next meeting, together with the statement or return of uncollected taxes and special assessments filed with him by the city treasurer as aforesaid. The council, upon receiving such report and after being satisfied of the correctness thereof, and that the taxes and special assessments reported in said statement are in fact unpaid, shall direct the city clerk to certify the same to the several supervisors to be reassessed and spread by them upon their several December rolls. Such certificates so given by the city clerk to the supervisors as aforesaid, shall contain the amount of all such taxes and special assessments to be reassessed, together with the description of the land; or in case of a personal tax, the name of the person or persons liable therefor; and in one column headed "Delinquent City Taxes" shall be contained the total of all city taxes returned as unpaid; in another column headed "Special Reassessments" shall be contained the total of all special assessments returned as unpaid; and in a third column headed "Interest and Penalty Tax" shall be included the interest at the rate of one per cent per month from the first day of October of such year up to and including the month of December, together with the collection fee of four per cent on the total amount of such taxes and special assessments; and in a fourth column headed "Total Delinquent City Taxes" shall be contained the total of the several sums in the columns headed "Delinquent City Taxes," "Special Reassessments" and "Interest and Penalty Tax;" and such certificates shall be delivered by the city clerk to the several supervisors on the fifteenth day of November or as soon thereafter as practicable and not later than the twentieth day of November of each year. Upon receipt of such certificate and statement from the city clerk it shall be the duty of each of the supervisors to spread upon their several December rolls the amounts specified in said certificate against each of the descriptions or persons therein mentioned, which said taxes and special assessments so spread and assessed by such super-
Taxes collected, statement of.	
Statements filed. Compared, verified and settlement made and reported to council.	
Unpaid taxes, certification to supervisors for reassessment.	
"Delinquent city taxes."	
"Special reassessments."	
"Interest and penalty tax."	
"Total delinquent city taxes."	
Delivery of certificates.	
Amounts in certificate; when to spread on rolls.	



visors on their December rolls, shall be collected by the treasurer the same as the other taxes ordered to be spread on said rolls.

SEC. 6d. If the city shall determine to collect the taxes in two rolls, all taxes and special assessments returned as unpaid on the July roll, together with the interest and penalties thereon, as provided by law, and each of said amounts appearing in the said several columns of the December tax rolls shall, after the delivery of such rolls to the city treasurer for collection, be treated in all respects as an item of taxes. The total of all taxes, special assessments, reassessed taxes and reassessed special assessments, interest and penalties, shall be entered in the last column of said tax roll. In cases where it shall be found impracticable to include all taxes, special assessments, reassessed taxes and reassessed special assessments, interest and penalties in the columns contained on one single page or sheet of said tax roll, the reassessed special assessments and reassessed taxes and interest and penalties thereon may be assessed against the same description of land or against the same person in a separate place or page on said roll, and the total of such reassessments, interest and penalties shall, in such case, be carried to the last column of such page and collected as aforesaid. In case the city shall have two rolls, the warrant annexed to the July roll shall command the treasurer to collect all sums appearing on such roll on or before the thirty-first day of October next following and pay over and account for all moneys collected and specified in such roll as in said warrant directed on or before the fifth day of November next following.

Collection of taxes in two rolls.

All taxes, etc., when impracticable to include.

July roll, when to collect.

This act is ordered to take immediate effect.

Approved June 24, 1907.

[No. 677.]

AN ACT to prohibit the sale of certain meats and poultry in the city of Grand Rapids.

*The People of the State of Michigan enact:*

SECTION 1. It shall be unlawful for any person to sell or expose for sale in any market house, store, meat market, general market, or elsewhere in the city of Grand Rapids any unwholesome, stale, emaciated, brown, stuffed, tainted or putrid meat, or any poultry undrawn or imperfectly cleaned or undressed.

Meats or poultry, tainted, etc., unlawful to sell or expose for sale.

SEC. 2. Any person who violates any provision of section one of this act shall be deemed guilty of misdemeanor, and upon a conviction thereof shall be punished by a fine of not

Penalty for violation.

more than one hundred dollars and the costs of prosecution or by imprisonment in the county jail of Kent county for a period of not less than six days nor more than ninety days, in the discretion of the court, for each and every offense.

This act is ordered to take immediate effect.

Approved June 24, 1907.

[No. 678.]

AN ACT to authorize the city of Saginaw to borrow money to be used to pay the balance of the indebtedness due for the construction of the Genesee avenue, Sixth street and Center street bridges, across Saginaw river, in the city of Saginaw, county of Saginaw, Michigan, and approaches thereto, and to issue bonds therefor.

*The People of the State of Michigan enact:*

Borrow,  
money and  
issue bonds.

SECTION 1. The common council of the city of Saginaw, is hereby authorized and empowered to borrow on the faith and credit of said city, after the same shall have been first approved by the board of estimates thereof, a sum not exceeding twenty thousand dollars, for a period of not exceeding twenty years, at a rate of interest not exceeding five per cent per annum, and to make, execute, negotiate, issue and sell the bonds of said city, therefor, with proper interest coupons attached thereto, in such manner as said common council shall determine, which said bonds in no case shall be sold for less than their par value.

Bonds, how  
denominated;  
proceeds,  
what used  
for.

SEC. 2. Said bonds shall be denominated "Bridge Bonds," and the proceeds thereof shall be used to pay the balance of the indebtedness due for the construction of the Genesee avenue, Sixth street and Center street bridges, across the Saginaw river, in the city of Saginaw, county of Saginaw, Michigan, and approaches thereto, and for no other purposes.

This act is ordered to take immediate effect.

Approved June 24, 1907.

## [No. 679.]

AN ACT to legalize the proceedings had in laying out, establishing, constructing and completing a certain pavement in the city of Lapeer in the county of Lapeer, and State of Michigan, said pavement being in the special assessment district known as "Special Paving Assessment District No. 1," and to legalize the assessment and tax therefor.

*The People of the State of Michigan enact:*

SECTION 1. All the proceedings had in the laying out, establishing, constructing and completion of a certain pavement in the city of Lapeer, in the county of Lapeer, and State of Michigan, described and known as "Special Paving Assessment District No. 1," are hereby declared to be legalized, and the taxes assessed upon the rolls of the said city of Lapeer, for the years nineteen hundred four, nineteen hundred five and nineteen hundred six and the remaining installments of said taxes to be assessed for the years nineteen hundred seven and nineteen hundred eight, for the laying out, establishing, construction and completion of said pavement, are hereby declared to be a legal and valid lien upon the property assessed, for the full amount of such taxes, as though the proceedings heretofore had were regular in every particular.

"Special paving assessment, district No. 1," proceedings legalized.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 680.]

AN ACT to amend section six of chapter twelve of act number five hundred thirty-three of the local acts of Michigan of the year eighteen hundred eighty-seven, entitled "An act to incorporate the city of Sault Ste. Marie," as amended by act number three hundred seventy-four of the local acts of eighteen hundred eighty-nine and other acts amendatory thereof.

*The People of the State of Michigan enact:*

SECTION 1. Section six of chapter twelve of act number five hundred thirty-three of the local acts of Michigan of the year eighteen hundred eighty-seven, entitled "An act to incorporate the city of Sault Ste. Marie," as amended by act number three hundred seventy-four of the local acts of eighteen hundred eighty-nine and other subsequent acts is hereby amended to read as follows:

Section amended.

SEC. 6. The council may purchase the necessary lands and erect thereon or otherwise provide one or more hospitals, either within or without the city limits, and provide for the appointment of the officers, attendants or employees, for the care and management thereof, and for the care and treatment

Purchase of lands and erection of hospitals; appointment of officers and employes.

Appropriations for maintenance.

therein of such sick and diseased persons as to the council or board of health of the city shall seem proper, and by the direction of the council or the board of health persons having any malignant, infectious or contagious diseases may be removed to said hospital and there detained and treated when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such persons from departing from such hospital until duly discharged. The council may appropriate such sum or sums annually as it may deem advisable for the support and maintenance of any public and charitable hospital not owned by the city and conducted within the city, but such appropriation shall not exceed the sum of one thousand dollars in any one year.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 681.]

AN ACT to declare a certain sworn copy of an abstract of certain tax sales by the village and city of Kalamazoo public records.

*The People of the State of Michigan enact:*

Copy of record of certain tax sales declared to be public record.

SECTION 1. That the copy of the record of certain tax sales made by the village or city of Kalamazoo, and now in the possession and custody of the treasurer of said city, to which copy is annexed the affidavit of Walter R. Taylor, dated May twentieth, nineteen hundred seven, that he is the owner of a tax abstract of said county and that the copy aforesaid, taken from said abstract, is a correct and complete transcript of all sales to the village or city of Kalamazoo prior to the sale for the taxes of the year eighteen hundred ninety-four which he was able to find in the records of the city in the year eighteen hundred ninety-seven, at which time said abstract was made, except such as have been since settled and deeds made therefor by said city, and that said abstract as made was a carefully compared copy of such sales as then appeared in all the records of said city which the affiant was then able to find, be and the same is hereby declared to be and established as a public record, and in all the courts in this State, and in all suits and proceedings therein, and before all officers of this State, shall be prima facie evidence of the matters therein stated, and shall have the same virtue and effect as by present provisions of law, the records of the office of the said city treasurer do possess until the original record of said tax sales which is temporarily or permanently lost shall be found, in which case such original record shall thenceforth be the legal record of such sales.

Approved June 27, 1907.

## [No. 682.]

AN ACT to require the prosecuting attorney of Saginaw county to maintain an office at Saginaw west side.

*The People of the State of Michigan enact:*

SECTION 1. It shall be the duty of the prosecuting attorney of Saginaw county hereafter to maintain an office at Saginaw west side, at the court house in the city of Saginaw west side in said State in such room or rooms as shall be designated and provided with suitable furniture and office equipments for the purpose by the board of supervisors of said Saginaw county. Said prosecuting attorney or his assistant shall keep such office open and be in attendance thereat and therein for the transaction of the public and official business of his office at such days, hours, and times as shall be designated by the said board of supervisors.

Prosecuting attorney to maintain an office at Saginaw, West Side.

Office, when to keep open, etc.

Approved June 27, 1907.

## [No. 683.]

AN ACT to amend act five hundred sixty-six of the local acts of nineteen hundred five, entitled "An act to revise and amend the charter of the city of Saginaw," approved May twenty-five, nineteen hundred five.

*The People of the State of Michigan enact:*

SECTION 1. Section two of title one, sections one, sixteen and forty-one of title two; sections six, seventeen, nineteen, twenty and thirty of title eight; sections five, six and eight of title seventeen; section seven of title eighteen; sections six, seven, ten, thirteen, fourteen and eighteen of title nineteen; sections thirteen, fourteen, fifteen, thirty-three, thirty-five, thirty-eight and thirty-nine of title twenty; sections one, five and eight of title twenty-one, and section three of title twenty-two, are hereby amended. New sections are hereby added to title three to stand as section twenty-two, to title eight to stand as sections thirty-two and thirty-three, to title seventeen to stand as section ten, to title twenty to stand as sections forty-three and forty-four, and to title twenty-four to stand as section forty-one a. Section twenty-four of title twenty-four is hereby repealed. The said amended and added sections herein enumerated shall read as follows:

Sections amended.

Sections added.

Section repealed.

## TITLE I.

Boundaries  
of city.

SEC. 2. The boundaries of the said city shall be as follows, viz.: Commencing at the center of the Saginaw river on the east and west quarter line of section thirteen in township twelve, north of range four east, in the county of Saginaw, State of Michigan; thence westerly along the east and west quarter line of said section thirteen, town twelve, north of range four east, to a point at the intersection of said east and west quarter line with the west line of Hermansau street, so-called, which point is eight hundred eighty-seven feet east of the quarter post on said east and west quarter line; thence north parallel to the north and south section line between sections thirteen and fourteen in town twelve north of range four east, thirty-three feet; thence west parallel with the east and west quarter line of sections thirteen and fourteen, one thousand one hundred thirty-three feet, thence north parallel to the north and south section line between sections thirteen and fourteen, two hundred ninety-seven feet; thence west parallel to the east and west quarter line of section fourteen, six hundred sixty feet; thence south to the east and west quarter line in section fourteen; thence west along the quarter line of sections fourteen and fifteen to the west line of said section fifteen in said township; thence south on the west lines of sections fifteen, twenty-two, twenty-seven and thirty-four, in said township and along the west line of said section three in township eleven north, range four east, in said county of Saginaw, to the center of the Tittabawassee river; thence easterly along the center of said river, to a point intersected by the east and west quarter line of section two, in said township eleven north of range four east; thence east along said quarter line to the east line of said section; thence north along the east line of said section two to the northeast corner thereof; thence east along the north line of section one in said township to the southwest corner of section thirty-one in township twelve north of range five east, in said county; thence north along the west line of section thirty-one to the northwest corner thereof; thence east on the north line of said section thirty-one to the northeast corner thereof; thence north along the east line of sections thirty, nineteen, eighteen and seven, in said last named township, to the center of the Saginaw river; thence southerly along the center of said Saginaw river to the place of beginning.

## TITLE II.

Council may  
subpoena  
witnesses.

SEC. 16. For the purposes hereof the common council shall have power to issue subpoenas to compel the attendance of witnesses, to examine witnesses upon oath, to be administered by the presiding officer, and to compel the production of

papers, books, letters and written or printed documents of any kind, when necessary, and shall proceed within thirty days after service of a copy of the charges as hereinbefore provided, to hear and determine the case. If any such officer shall neglect to appear and answer such charges, his default shall be deemed good cause for his removal from office.

SEC. 41. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services: Salaries for the city officers herewith enumerated shall be as follows: Mayor, one thousand dollars per year; treasurer, two thousand eight hundred dollars per year; deputy treasurer, one thousand two hundred dollars per year; controller, two thousand one hundred dollars per year; deputy controller, nine hundred dollars per year; assessor, two thousand dollars per year; deputy assessor, nineteen [nine] hundred sixty dollars per year; attorney, one thousand eight hundred dollars per year; clerk, one thousand five hundred dollars per year; deputy clerk, nine hundred dollars per year; engineer, two thousand two hundred eighty dollars per year; superintendent of public works, one thousand eight hundred dollars per year; chief of police, one thousand five hundred dollars per year; chief of fire department, one thousand five hundred dollars per year; police judge and recorder, one thousand five hundred dollars per year; justice of the peace, one thousand three hundred dollars per year; clerk of city courts, nine hundred dollars per year; physician, nine hundred dollars per year; health officer, six hundred dollars per year; director of the poor, one thousand eighty dollars per year; inspector of foods and measures, one thousand two hundred dollars per year; inspector of electricity, gas and meters, one thousand dollars per year; all salaries above mentioned to be paid semi-monthly; aldermen to be paid monthly at the rate of five dollars per session of the common council when in actual attendance; members of all city boards, except board of public works, one dollar per regular session for each member in actual attendance, to be paid semi-annually; members of board of public works, three dollars per regular session for actual attendance, to be paid semi-annually: *Provided*, Each member of the board of review shall receive three dollars for each session of said board attended by him, and each member of the board of estimates shall receive one dollar for each regular or special meeting of said board attended by him.

Salaries for officers and members of boards.

Proviso as to board of review.

### TITLE III.

SEC. 22. The common council of the city of Saginaw is hereby empowered and authorized to use and appropriate at its own discretion all proceeds now on hand, received from the sale of the market bonds of the eastern taxing district of the city of Saginaw, so-called, for the purpose of constructing

Council may use certain proceeds for erecting auditorium.

Proviso as to location.

or erecting an auditorium or other public municipal building within and for the said city of Saginaw: *Provided*, Said auditorium or other municipal building is located on block forty-six, Hoyt's plat to the city of Saginaw.

## TITLE VIII.

Taxing district, when council to fix.

SEC. 6. The same shall be certified to the common council, and when such statement shall have been approved by the common council, as reported by the board of public works, the common council shall then fix a taxing district, showing the property benefited and the amount of said improvement, and the same shall be certified to the city assessor, who shall proceed, without unnecessary delay, to make an assessment according to such order of so much of the cost of said improvement as may have been ordered specially assessed, upon all property in said district, specially benefited, in proportion to the benefit and advantage which each description of property is deemed to receive from the making of such improvement, subject to the limitation of actual benefit, as provided in the preceding section; and said city assessor shall make out an assessment roll and two copies, one to be filed with the controller, and one to be filed with the city clerk, reciting in the heading thereof the improvement, and in the body of which shall be entered the description of the property assessed (except where the improvement is made by the city between the tracks, double tracks, curves and switches of the street car companies or railroad companies, and the space to be paved by said companies on the outside of their tracks, in which case the same, and also the amount assessed against any railway company respecting bridges or viaducts, as provided for in the preceding section, shall be placed in the special assessment roll against said street car companies or railroad companies as a personal tax), the amount or amounts in dollars and cents assessed therein, and the names of the supposed owners thereof, when known, together with a diagram, which diagram shall be furnished by the city engineer, showing the property assessed and the names of the supposed owners thereof, written upon each description of property or parcel of land so specially assessed: *Provided*, In all cases where the ownership thereof is unknown to the city assessor, in lieu of the name of said owner, the word "non-resident" may be used; but no omission or misstatement of the owner's name shall invalidate the assessment thereon.

Assessment roll, how made, etc.

Proviso, when owner unknown.

Sidewalks, building, etc. of, under direction of board of public works.

SEC. 17. The building, repairing and rebuilding of all sidewalks in said city, shall be done under the direction of the board of public works of said city. If any person shall refuse or neglect to repair any sidewalk in front of his or her premises of such material and width and in the time provided by the ordinances of said city, the board of public works shall repair the same, and the cost and expense thereof shall



be paid out of the highway fund of the proper taxing district of said city, and the cost of repairing sidewalk shall be assessed upon the land of such owner or occupant adjacent to such walk, in the same manner as provided for other public improvements. Whenever the common council shall, by resolution, direct the building or rebuilding of any sidewalk in said city, the work shall be done under the direction of the board of public works, and such proportion of the cost of building or rebuilding of said walk as the common council shall, by ordinance, prescribe, shall be assessed upon the land of such owner or occupant, adjacent to such walk, in the same manner as provided for other public improvements, except that the cost of building or rebuilding such walk shall be placed on the next general assessment and tax roll, and may extend over a period of years. Nothing herein contained shall be construed as exempting any person from being prosecuted for violating any ordinance of said city relating to sidewalks. If the owner or occupants of any lands in said city shall neglect or refuse to comply with any order of the common council or board of public works concerning the repairing of any sidewalk in said city, or if such owner or occupant shall suffer any sidewalk in front of his or their premises to be out of repair, so as not to be in a condition reasonably safe and fit for travel, such owner or occupant shall be liable to said city for all damages and costs recovered from said city by reason of such sidewalks being out of repair, and such damages and costs may be recovered by said city in any court of competent jurisdiction, which cost of suit, and any judgment recovered against said city shall be conclusive evidence of the liability of such owner or occupant of said city: *Provided*, That such owner or occupant shall be notified of the pendency of any suit brought against the city to recover such damages and requested to assist in the defence thereof.

Cost, how assessed.

Liability of owner for neglect to repair.

Proviso, owner to be notified of suit.

Sec. 19. To meet the expense of improving streets in said city by paving, grading, graveling or otherwise in anticipation of the collection of the assessments and taxes to defray the expense and cost thereof the common council may, by resolution, with the approval of the board of estimates, authorize and direct the mayor, controller and clerk of said city to borrow such an amount of money as may be required in any one year for such purpose, and to issue bonds of said city therefor bearing interest at the rate not exceeding six per cent per annum, payable semi-annually, which shall be chargeable to and paid by the proper taxing district: *Provided*, That the total amount of bonds which the common council is thus authorized to issue shall not exceed six hundred thousand dollars outstanding at any one time, except as hereinafter provided in this section and section thirty-two of this title. The common council may, when any of the above improvements are made, authorize that the bonds for making said improvements shall run for period of not less than one or more than

Street improvements, moneys may be borrowed for.

Proviso as to amount of bonds to be issued.

Bonds, how  
endorsed, etc.

When paid.

Proviso,  
amount  
council may  
borrow for  
improving cer-  
tain streets.

Application  
of certain  
sections.

Assessment  
roll, when to  
be final, etc.

Owner to be  
notified of.

Notice, how  
given.

ten years. And the amount of bonds which may be issued for such purposes shall be made payable in annual equal parts as ordered by the common council. The said bonds to be endorsed "Street improvement bonds of the..... taxing district," and to be numbered and [or] lettered consecutively. Said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the "Street improvement fund" of the proper taxing district. All said bonds shall be paid at maturity, and the common council shall not have the power to authorize the reissue of the same bonds or of bonds to take up said original bonds: And *Provided*, The common council may and is hereby authorized to borrow, in addition to the amount hereinbefore stated in this section, an amount of money sufficient for the improvement of the following named streets; said amount not to exceed the sum of two hundred thousand dollars, and to issue bonds therefor in the manner provided in this section, said streets being as follows, to-wit: West Genesee avenue from the west end of Genesee bridge to Bond street; Washington avenue from Holland to Janes; North Michigan avenue from Court street to Genesee avenue; entire length of Potter street; Genesee avenue from Hartsuff street to the east city line.

SEC. 20. All the sections of this title relative to ascertaining and assessing the cost of street improvements, shall be applicable to the ascertainment of the cost of street improvements paid for by the proceeds of street improvement bonds; sewers paid for by proceeds of sewer bonds; sidewalks paid for by proceeds of sidewalk bonds or otherwise, and the assessment of said cost upon the property benefited thereby, all of said rolls to be designated by the city clerk as provided in section eight of this title. Every assessment roll so ratified and confirmed shall be final and conclusive, and when any such assessment shall have been confirmed by the common council, the assessment roll shall be attested by the city clerk, under seal, and it shall be deposited with the city controller, who shall deliver same to the city treasurer, as provided in section eleven of this title. Immediately upon receipt of such special assessment roll by the city treasurer, he shall notify the owner of each lot, block or parcel of land assessed in said roll, that a special assessment roll for a certain improvement, or for certain work, has been filed in his office, describing the roll by its official number or letter, the character or kind of improvement, its location, and the amount assessed against the description of property whose owner is notified, that the whole or any part of said amount may be paid during the succeeding sixty days without interest or additional cost, and that if it is not paid within the time specified, the current year's interest charged will be added to any assessment when paid. Such notice shall be given in writing and shall be advertised at least two times in the

official newspaper of said city. The different installments of any special assessment roll may be paid at any time, payments, however, will be required on installments, first due, and all interest left off of all installments except for the year in which said special tax or taxes are paid, on or before May first, in each year. The city treasurer shall certify on each of said rolls, the amount paid and amounts remaining unpaid against each lot, block or parcel of land and shall deliver all of said rolls to the city controller, and upon such returns being made receive proper credit therefor on the books of the controller. On or before the tenth day of May next following, the controller shall return said rolls to the assessor, who shall divide said unpaid assessment against each lot, block or parcel of land into such number of equal parts as the common council shall determine, one of which parts, together with the interest for one year, at the rate not exceeding six per cent per annum upon all sums remaining unpaid, shall be placed in the annual tax roll in the proper column of the proper taxing district thereof, upon and opposite the description of property described in said assessment roll in each year thereafter, until the same is all assessed upon said annual tax roll, if not otherwise paid. The city assessor shall, upon application of any property owner who desires to have any special tax divided on a piece or parcel of land by reason of sale of a part of said piece or parcel of land, after the special assessment was originally made, divide the tax according as, in his judgment, the different pieces or parcels of land are benefited by said improvement, and shall note same on special assessment roll, and such decision shall be final and conclusive: *Provided*, The assessment levied on all the separate pieces and parcels of land shall not exceed the original assessment levied before the piece or parcel of land was divided. He shall also at the same time divide the city, school, State, county and general stone road taxes in proportion to the size of the property.

Installments,  
when paid, etc.

Rolls, when  
returned to  
assessor,  
duties.

Proviso as to  
dividing  
special tax.

SEC. 30. The common council of the city of Saginaw is hereby authorized and empowered to borrow on the faith and credit of said city after the same shall have been first approved by the board of estimates of said city, a sum not exceeding two hundred fifty thousand dollars for a period not exceeding ten years, at a rate of interest not exceeding five per cent per annum, and to make, execute, negotiate, issue, deliver and sell the bonds of said city therefor, with proper interest coupons attached thereto in such manner as said council shall determine, which said bonds in no case shall be sold for less than par value.

Council to  
borrow  
moneys and  
issue bonds,  
etc.

SEC. 32. To meet the expense of improving the following named streets and highways in the city of Saginaw, viz.: Brockway street, from Gratiot avenue to the west city line; Court street from Bay street to State street; State street from Bond street to west city line; Sheridan avenue from Holland street to south city line, at Bradley street; Washington

Street im-  
provements,  
may borrow  
moneys and  
issue bonds  
for certain.

avenue from Sixth street to the east city line; East street from Washington avenue to south city line, southeast corner of the northeast quarter of section two, town eleven, north range four east; Williamson street from the city line to Gallagher street, by paving, grading, graveling or otherwise in anticipation of the collection of the assessments and taxes to defray the expense and cost thereof, the common council may, with the approval of the board of estimates, authorize and direct the mayor, controller and clerk of said city to borrow such an amount of money as may be required for such purpose and issue bonds pledging the faith and credit of the entire city therefor, bearing interest at a rate not exceeding five per cent per annum, payable semi-annually and bonds for making said improvements shall run for a period of not less than one nor more than ten years. The said bonds to be endorsed "Street improvement bonds of the.....Taxing District," and to be numbered or lettered consecutively. Said bonds shall not be sold for less than par and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the "Street Improvement Fund" of the proper taxing district. It is hereby provided that all moneys retained by the said city of Saginaw, by authority of law, of the county road taxes, collected within said city, if any, shall be placed to the credit of the "Street Improvement Fund," to be applied to the payment of the aforesaid bonds. And it is further provided, that the cost of the aforesaid improvement, in excess of the amount retained, by authority of law, by the said city, out of the amount collected for county road purposes within said city, shall be raised by assessment and taxes against the property benefited by the aforesaid improvements, as heretofore provided in this title: *Provided, however,* The general taxing district at large shall pay for the cost of improving the intersections on the aforesaid highways: *And Provided further,* That the pavement or improvement between the tracks, double tracks, curbs [curves] and switches of any street car company or companies or railroad company or companies, shall be assessed against such companies as provided in section six of this title. And it is hereby provided that the money so raised as aforesaid, by assessment and taxes, shall be placed to the credit of the "Street Improvement Fund," to be applied to the payment of the aforesaid bonds.

Bonds, how  
endorsed,  
sale of, etc.

Excess  
cost of im-  
provements,  
how raised.

Proviso as to  
intersections  
of streets.

Further pro-  
viso as to  
street car  
tracks, etc.

Council may  
reissue bonds,  
etc.

SEC. 33. The common council may, and is hereby authorized in its discretion to reissue bonds to retire the outstanding city hall bonds, so-called, which become due and payable in the year nineteen hundred seven, and the faith and credit of the whole city shall be pledged for the prompt payment of both principal and interest of the aforesaid bonds to the holders, and, when issued, such bonds shall constitute a charge only on the district to pay the indebtedness for which the same were so issued; said bonds to run for a period of not less than one nor more than ten years, and to bear a rate of

interest of not more than five per cent, payable semi-annually, and they shall not be sold for less than par value.

## TITLE XVII.

SEC. 5. The said board shall have power, and it shall be its duty to take such measures as it shall deem effectual, to prevent the entrance of any pestilential or infectious disease into said city; to stop, detain and examine for that purpose every person coming from any place infected or believed to be infected with such a disease; and said board shall have the power to regulate, control and govern the management of the city detention hospital for contagious diseases, and shall also recommend to the common council of the city of Saginaw the appointment of janitor and such other help as shall be deemed necessary by the board for the operation of said detention hospital; to abate all nuisances of every description, which are or may be injurious to the public health, in any way and manner they may deem expedient, and from time to time to do all acts, make all regulations, and recommend to the common council to pass such ordinances as they shall deem necessary or expedient for the preservation of health and the suppression of disease in said city, and to carry into effect and execute the powers hereby granted. Said board of health shall also have and exercise within and for said city all the powers and authority conferred upon boards of health, so far as the same are applicable and consistent with this act, such powers as are now or may hereafter be granted to boards of health by the general laws of the State. Said board of health, its agents or officers shall have no authority to incur any liability against the city, unless so authorized to do by the common council.

Board to prevent pestilential, etc., disease.

To control detention hospital.

To abate nuisances.

No authority to incur liability.

SEC. 6. The owner, driver, conductor or other person in charge of any stage coach, railroad car or steamboat, or other public conveyance, which shall enter the city, having on board any person known to him to be sick of any malignant fever or other contagious, pestilential or infectious disease, shall, within two hours after the arrival of such person, report in writing the fact to the said board at its office in the city hall, with the name of such person and the house where he was put down in the city; and every neglect to comply with any of the foregoing provisions shall be deemed a misdemeanor and punishable in manner and form as provided in section four of this title.

Arrival of certain sick persons, when to be reported.

Penalty for neglect.

SEC. 8. Every keeper of a hotel, lodging house or boarding house in the city, who shall have in his house at any time any person sick with any contagious, pestilential or infectious disease, shall report such fact and the name of such sick person in writing within six hours after such fact shall have come to his knowledge, to said board of health at its office in the city hall. Every physician in the city shall report in

Hotel keepers, etc., when to report.

Physicians.

Penalty. writing to the board of health at its office in the city hall, the name, residence and disease of every patient whom he shall attend professionally, and who shall be sick of any contagious, pestilential or infectious disease, within six hours after the nature of such disease shall have become apparent to said attending physician. Any violation of any of the provisions of this section shall be deemed a misdemeanor and punishable as provided in section four of this title.

Report, etc.,  
when board  
to make,  
what to  
contain.

SEC. 10. The board of health shall keep a record of all contagious, pestilential or infectious diseases so reported, as hereinbefore required in this title, and shall annually, on the last Monday in March, make a report to the council of their proceedings, containing the number and kind of contagious or infectious diseases reported, and dealt with by it, the management and conduct of the City Detention Hospital, together with a detailed statement of their receipts and expenditures, if any, and any other business performed by said board; and shall also at the same time, submit a detailed estimate of the amount of money necessary to maintain said Detention Hospital and to provide other needed expenditures of said board for the ensuing year.

### TITLE XVIII.

Annual state-  
ment, when  
board to  
make, what  
to contain,  
etc.

SEC. 7. The said board shall classify the various work under its control, and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs and superintendence, and salaries of employees, and also detailed accounts of all other matters under its charge and control, and on the last Monday in March of each year, and oftener if required by the common council, submit to it a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board; the character and amount of all contracts made by the board; the moneys earned and paid thereon, and all information necessary to the full understanding of the business conducted by said board. The board shall from time to time also make estimates of the amounts earned and payable upon any contract for work done and material furnished, and report the same to the common council, and it shall be the duty of the common council without unreasonable delay, to order payment from the proper fund of the amount so reported, and on the last Monday in March in each year said board shall submit to the common council a financial statement covering the business of the fiscal year.

To make  
estimates and  
report.

Financial  
statement,  
when sub-  
mitted to  
council.

### TITLE XIX.

Plans, etc.,  
when to be  
submitted by  
board to  
council.

SEC. 6. Whenever the expense of constructing or repairing any work under control of the board of water commissioners shall not exceed the sum of two hundred dollars, the work shall be done by said board in such manner as it may deem

proper except as hereinafter provided in this section; but whenever such expense shall exceed the sum of two hundred dollars, then the said board of water commissioners shall submit the plans, diagrams, profiles, and estimates thereof to the council for its approval, and when so approved, the board shall, subject to the approval of the council, cause such work to be done by contract or otherwise in such manner as it may deem proper, except when such expense is incurred under the authority hereinafter stated: *Provided*, That if the expense shall exceed the sum of three hundred dollars, the board shall advertise for sealed proposals, and shall give such notices as the council may direct, and shall let the contract to the lowest responsible bidder, who shall be deemed competent to do the work, and give adequate security for the performance thereof, which contract security shall be approved by the council: And *Provided further*, That the said board of water commissioners may, and is hereby authorized, without authority from the common council, to contract for the letting of all water mains and service connections by day's labor at such rate and in such manner as it shall deem proper unless otherwise ordered by the common council, and said board is also authorized and may make such repairs on account of any break in any pumping station or on account of any break in any water main, or other portion of the city's water works system, by reason of which the furnishing of water for fire protection may be endangered or cut off unless otherwise ordered by the common council; but said board of water commissioners shall not have the authority to contract for or incur any liability against said city for the purposes above stated in any amount exceeding one thousand dollars except upon authority from the common council.

Proviso,  
sealed pro-  
posals.

Further pro-  
viso as to  
necessary  
repairs, etc.

No authority  
to incur  
liability.

SEC. 7. All work done under the supervision of said board shall be reported to the council from time to time, and no money shall be paid out of the treasury on account of any work so done until the council shall have authorized the same, except as hereinbefore provided, and ordered the same paid by warrant drawn on the city treasurer, and all claims or accounts against the city that in any manner relate to the works in charge of said board, or that have been incurred by such board, shall first be submitted to and approved by the board of water commissioners before the council shall be authorized to order such warrant drawn. It shall be the duty of the board to make an annual report to the council on the last Monday in March of each year, which report shall embrace an itemized statement of the revenues and expenditures relating to or connected with each of the works under its control, keeping a separate account of each fund and a statement of the condition, progress and operation of said works. It shall also make such other reports, and furnish such other information to the council as that body shall by resolution or ordinance provide.

Council to  
authorize  
payment of  
moneys.

Annual report  
when board  
to make,  
what to  
contain.

Title to  
water works  
etc., vested  
in city.

Council to  
create sinking  
fund.

To issue  
water refund-  
ing bonds.

May issue  
water bonds,  
amount  
limited.

Proviso, ques-  
tion sub-  
mitted to  
electors.

Bonds  
specified  
separately.

Par value of  
refunding  
bonds,  
charge  
against  
district.

Proceeds of  
water bonds,  
where paid.

**Sec. 10.** The consolidated city is hereby vested with the title to all existing water works, machinery, pipes, buildings and appurtenances of every kind heretofore belonging to the city of Saginaw and the city of East Saginaw, and shall assume and pay by the respective taxing districts all the indebtedness, bonded or otherwise, outstanding or incurred therefor, and to meet such bonded indebtedness the common council shall have power to create a sinking fund and may levy and collect annually therefor not exceeding forty thousand dollars, and may also credit to such fund on the recommendation of the board of water commissioners such sums from the water funds as in the judgment of the common council shall be proper for such purpose, and in case the fund so collected is not adequate to meet and pay the said bonded indebtedness as the same matures, the common council shall have power to issue the bonds of the city bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, to be styled water refunding bonds, and to pledge the credit of the whole city for the prompt payment of the principal and interest to the holder, as provided in section twenty-eight, title eight, and to sell and dispose of the same at the best obtainable price, and with the proceeds thereof to pay and repeal all maturing bonds. To meet the cost of the maintenance, improvement and extension of the present system in excess of the revenue derived from the works, the common council shall have power, upon the recommendation of the board of water commissioners, to issue and negotiate bonds, to be styled water bonds, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, not exceeding three hundred thousand dollars in amount in any one year, and to pledge the faith and credit of the city for the payment thereof, both principal and interest to the holder, pursuant to section twenty-eight, title eight: *Provided*, That the matter of issuing said bonds shall first be submitted to the taxpaying electors as provided for in section two of title seven of the charter, except as hereinafter provided. The common council shall specify by resolution the amount of such bonds, or of such water refunding bonds, separately, which may be issued to retire the existing bonded indebtedness of said eastern taxing district or of said western taxing district, as the case may be, and also the amount of such water bonds separately as may be issued to meet the cost of the maintenance, improvement and extension of the water works system in said respective taxing districts. The par value of the water refunding bonds issued by the consolidated city shall be charged against the district, the bonds of which they are issued to retire, and such taxing district shall be separately taxed and pay the interest and principal of such water refunding bonds, all in manner and form as provided in section twenty-eight of title eight. The proceeds of water bonds issued under the authority of this section shall be paid into the separate funds of the respective districts, and



such district shall be separately taxed, and shall pay for the cost of extension, improvement and maintenance of its water works system, and of the said water bonds issued therefor, all in manner and form provided in section twenty-eight, title eight. None of said water bonds shall be sold for less than par value: And *Provided further*, That the common council may, and is hereby authorized, to borrow the sum of fifty thousand dollars and issue bonds to be known as "Water Bonds of the City of Saginaw" therefor as heretofore provided in this section, for the improvement, maintenance and extension of the water system of the city, without submitting the question of said amount, or the issuing of said bonds, to the electors of said city, as hereinbefore stated in this section, or section four of this title.

Further proviso, issuing certain bonds without submitting question.

SEC. 13. The board of water commissioners shall not have power to incur any indebtedness against the city exceeding the sum of two hundred dollars in amount, except for purposes set forth and provided for in section six of this title, without the consent of the common council, and the common council shall cause to be paid all bills legally incurred and audited by said board of water commissioners, and the vouchers therefor shall be filed with said board, and when required, copies thereof shall be furnished to the controller. The said board shall, on the last Monday in March in each year, make and publish an annual report, which report shall embrace a full statement of the condition and operation of the works, and the receipts and expenditures of the past year, a copy of which shall be filed with the common council of said city.

Amount of indebtedness board may incur.

Publish annual report, what to contain.

SEC. 14. It shall be the duty of said commissioners, on or before the last Monday in March in each year, to make a report in writing to the common council of said city, what, if any, sum of money, in the judgment of said board, will be needed over and above the revenue of said board, to meet the payment of interest or principal of bonds issued, and other current expense, and the common council may, upon the approval of the board of estimates, raise any sum of not exceeding one-half of one per cent upon the assessed valuation of the property in said city, as shown by the last preceding assessment roll, which it deems necessary for such purposes, by tax upon the proper taxing district, in the same manner as general taxes, to be designated a water tax.

Report as to amounts needed when made to council, water tax.

SEC. 18. The said board shall classify the various work under its control, and keep an accurate account of the cost of each, and the amounts expended for construction, repairs and superintendence, and salaries of employes, and also detailed accounts of all other matters under its charge and control, and on the last Monday in March in each year, and oftener, if required by the common council, submit to it a statement, showing in detail the progress and condition of all public improvements commenced or carried forward by said board; the character and amount of all contracts made by the board; the moneys earned and paid thereon, and all other information

Annual statement, when board to make, what to contain.

To make estimates and report. necessary to the full understanding of the business conducted by said board. The board shall, from time to time, also make estimates of the amounts earned and payable upon any contract for work done and material furnished, and report the same to the common council, and it shall be the duty of the common council, without unreasonable delay, to order payment from the proper funds of the amount so reported, and on the last Monday in March in each year said board shall submit to the common council a financial statement covering the business of the fiscal year.

Financial statement, when submitted to council.

## TITLE XX.

Annual report what to contain. SEC. 13. Such board of park and cemetery commissioners shall annually on the last Monday in March, make a report to the common council of its proceedings in respect to parks, with a detailed statement of its receipts and expenditures during the year; and it shall also, at the same time, submit to the council a detailed estimate of the amount of money necessary to maintain and improve such park or parks for the ensuing year.

Estimate amount necessary for ensuing year.

Estimates may be placed upon tax roll. SEC. 14. The common council, with the consent of the board of estimates, may cause to be placed upon the general tax roll and raised by tax, the same as other taxes, such sum as it may think proper to be raised for each of the several objects of expenditures estimated as aforesaid for the maintenance and improvements of said parks, public grounds or baths, or for the payment of any other expenses which said commissioners are, by this act, authorized to incur. For the purpose of either establishing bathing beaches, or erecting suitable buildings in connection therewith, establishing, fixing or marking dock lines, purchasing city property adjacent to the waters of the Saginaw river or its tributaries, or improving the same by filling or otherwise, or any or all combined, the common council shall have the power to borrow, upon the faith and credit of the city, upon the best terms it can make. [and] for such a time as it may deem expedient, a sum of money not exceeding sixty thousand dollars, and shall have the authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated "Park improvement bonds of the city of Saginaw," and shall bear interest at a rate not exceeding four per cent per annum and shall mature in not more than twenty years from date of issue. The common council shall have full authority to provide, by resolution, for the advertising and sale of said bonds, and the manner thereof shall conform as near as practicable to the regulations prescribed by law for the issuance of sewer bonds. The moneys so raised, as well as any other moneys received from any source, shall be paid into the city treasury and credited to a fund to be styled the "Park

Council may bond for bathing beaches, etc.

Advertising and sale of bonds.

Moneys, where credited, etc.

fund," and shall be expended and paid out for the improvement of the public parks of the city, in such manner as may be deemed advisable by the board of park and cemetery commissioners, subject to the approval of the common council, and for this purpose only.

SEC. 15. All bills, accounts and claims of every character against the said department, shall, after having been duly audited by said commissioners and certified by them and the clerk, be transmitted to the city controller, who shall submit the same to the common council with his approval or disapproval. When said bills, accounts and claims shall have been allowed by the common council the controller shall draw his warrant or warrants on the city treasurer in payment therefor: *Provided, however,* That no bill, account or claim against said department shall be audited by the commissioners, unless it shall be accompanied by an affidavit of the person rendering it that he verily believes the services or property therein charged have been actually performed or delivered to the city, and that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no offset exists or payment has been made on account thereof, except such as are included or referred to in such bill, account or claim. All pay rolls shall be certified by said commissioner and clerk, and shall be delivered to the city controller, who shall draw his warrant for the payment thereof and deliver the same to the city treasurer, together with said pay roll, and the said city treasurer shall pay the amounts mentioned in said pay roll, to the persons entitled thereto. No debt or liability of any kind shall be created by said commissioners during any one fiscal year in excess of the moneys then in said fund, or which may have been authorized to be raised by the common council for said year. The commissioners may receive donations or bequests of money or property, which shall be used for the maintenance and the improvement of the grounds under their charge, as contemplated by such donations and bequests, which said money shall be paid into the city treasury by them and placed to the credit of the "Park fund:" *Provided,* That if any bequest shall be made of money, constituting a fund to be used for certain specific purposes requiring investment in securities for the purpose of obtaining the income thereof in order to carry out the trust, then such fund shall be paid to the treasurer of the city of Saginaw, and deposited and invested as hereinafter directed in section thirty-nine of this title, and the income thereof shall be used in carrying out the trust created by the donor.

Claims, etc.,  
when submitted to  
council.

Warrants for  
payments.

Proviso as to  
affidavit.

Pay rolls to  
be certified,  
etc.

Liabilities  
limited.

Donations,  
etc.

Proviso as to  
funds.

To have care,  
etc., of  
cemeteries.

SEC. 33. Said board, subject to the direction and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named,

May receive property by devise, etc.

To control income of gifts, etc.

Proviso as to funds.

Conveyances of lots.

Cemetery fund.

Board to make annual report, contents of.

Forest Lawn cemetery fund, how used.

Kept separate from other funds.

and the plats thereof to be made and recorded in the office of the controller. Such board shall also have the power, in its discretion, to take, receive and hold any property, real or personal, by devise or otherwise, which may be granted, transferred or devised, to such board in trust. All such gifts, bequests or devises, and the income thereof, if any, shall be subject to the management and control of such board, and all moneys arising therefrom shall be paid to the city treasurer and placed to the credit of the proper cemetery fund: *Provided*, That if any gift or bequest shall be made of money constituting a fund to be used for certain specific purposes requiring investment in securities for the purpose of obtaining the income thereof in order to carry out the trust, then such fund shall be paid to the treasurer of the city of Saginaw, and deposited and invested as hereinafter directed in section thirty-nine of this title, and the income thereof shall be used in carrying out the trust created by the donor. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and signed by the controller, and be recorded in the clerk's office at the expense of the purchasers.

SEC. 35. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of park and cemetery commissioners shall report to the council annually, on the last Monday in March, and often-er when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

SEC. 38. The amount now standing to the credit of the Forest Lawn Cemetery trust fund, so-called, together with fifty per cent of all moneys which shall from time to time be received from the sale of lots and single graves in said cemetery, shall constitute a trust fund, the income of which shall be used annually, or as occasion may require, for the repairing of roadways, water appliances, walks, drains, monuments, buildings, abandoned lots and public grounds, and for its general care and maintenance. The said trust fund shall be kept separate and apart from all other funds under the control of said board of park and cemetery commissioners, and from other city funds, and shall be held and invested as hereinafter provided in section thirty-nine of this title. And the said trust fund shall never, under any pretext or evasion, be directed from this declared purpose.

SEC. 39. All moneys received by the board of park and cemetery commissioners through gifts, bequests, lot sales, in trust, or otherwise, and intended for the general care, maintenance, embellishment or improvement of the whole or portion of the parks or cemeteries under the control of said board and belonging to the city of Saginaw, or for the care and repair of any particular lot, building or structure or parcel of land in any of the said parks or cemeteries, and constituting funds to be used for certain specific purposes, requiring investment in securities for the purpose of obtaining the income thereof in order to carry out the trust, then such moneys shall be paid to the treasurer of the city of Saginaw, who shall be custodian of all such moneys, securities and evidences of debt belonging to or appertaining to said parks and cemeteries. The official bond of the city treasurer shall cover any and all funds in his hands belonging to said parks and cemeteries. All such sums of money received by the city treasurer shall be immediately deposited in such bank or banks or trust companies as the board of park and cemetery commissioners shall direct, which sums of money shall be kept in special deposit, on interest, separate and apart from all other city funds. No part of such deposits except the interest which shall accrue on such moneys, shall be drawn from such banks or trust companies except for permanent investment in registered bonds of the United States, the State of Michigan, county of Saginaw, or the city of Saginaw, and such bonds shall be registered in the name of the city treasurer and the said board of park and cemetery commissioners for the city of Saginaw, and if no provision is made for the legal registration of such bonds the city treasurer shall endorse upon the back of all bonds so purchased for the account of said cemeteries and parks the following, viz.: "Registered bonds, not transferable without the written consent of the mayor, controller and city clerk endorsed hereon," and such bonds shall only be transferred and sold under the direction of the board of park and cemetery commissioners. Any of said trust funds drawn from any bank or trust company for the purpose of investment or re-investment shall be drawn by check of the city treasurer upon the written warrant of the city controller, countersigned by the mayor and a majority of the board of park and cemetery commissioners, and not otherwise. Whenever any money is needed for the purposes declared in any special or general trust, for the use and benefit of said parks and cemeteries, and there is any income available in the proper fund, the same, or so much thereof as may be required, shall be drawn from such banks or trust companies by check of the city treasurer in satisfaction of warrants drawn by order of the common council, signed by the city clerk, and countersigned by the controller, in payment of expenditures previously approved by the board of park and cemetery commissioners and duly allowed by the common council, and said

Moneys, etc.,  
belonging to  
parks, etc.,  
to whom  
paid.

Treasurer's  
bond to  
cover funds.  
Deposits of  
moneys.

How may be  
invested.

Drawing  
moneys for  
certain  
purposes.

Banks with funds on deposit to furnish bonds.

Custodian of funds to report.

May accept funds for repairing lots.

How kept, etc.

Certificates to certain persons.

Oakwood cemetery fund for use of.

warrants shall specify from what fund the same are to be paid. Any bank or banks, or trust companies in which the aforesaid funds are to be deposited, shall furnish a good sufficient bond for the payment of same, which shall be satisfactory to the board of park and cemetery commissioners, and duly approved by the common council of the city of Saginaw. The city treasurer, custodian of said funds, shall report to said board, when so required, and to the common council, at the close of each fiscal year, the condition of said funds and in what security the same are invested, the amount of income derived and the amount expended during the year or for any portion of time thereof.

SEC. 43. The board of park and cemetery commissioners may accept funds for perpetual repairs of particular lots in the following manner: Any person may pay to the board of park and cemetery commissioners a sum of money deemed sufficient by said board, for the purpose of keeping in order any lot or parcel of land in Brady Hill, Forest Lawn and Oakwood cemeteries, and thereafter the interest obtained on such sum, from time to time, as occasion may require, shall be expended on such lot or parcel of land for the purpose of keeping the same in repair, by or under the direction of said board. Such sums of money received by said board, shall be paid to the treasurer of the city of Saginaw, who shall immediately deposit said sums of money in such bank or banks or trust companies as said board shall direct, which moneys shall be kept in special deposit, on interest, apart from all other moneys belonging to the cemeteries herein named, and only to be withdrawn and invested like other funds in trust as hereinbefore directed in section thirty-nine of this title. To each person making such payment for the purpose of keeping any lot in repair in any of the cemeteries as aforesaid, the treasurer of said city shall give a certificate signed by himself, and the city controller, and countersigned by a majority of the commissioners of said board, duly signed and certified by the city clerk and to which the city seal shall be attached, which certificate shall state the amount of the deposit, the name of the person making the deposit, a description of the lot for which the deposit is made and a covenant on the part of said city that the interest of said deposit thereafter, from time to time, as occasion may require, shall be expended on said lot in repairs, and the board of park and cemetery commissioners and the city clerk, shall keep a record of such certificate issued, but in no event shall the city of Saginaw ever be liable to repay the principal paid into said perpetual repair fund.

SEC. 44. When a fund in trust is constituted and provided, the income from which is intended for the sole use and benefit of Oakwood cemetery as hereinafter provided, and when such trust fund with accumulations amount to at least twenty thousand dollars, the income from which is then available, then the board of park and cemetery commissioners shall

cause a fund in addition thereto to become a part of such trust fund to be provided from all moneys which shall, from time to time thereafter, be received from the sale of lots and single graves in said cemetery by appropriating annually not less than twenty-five per centum of such moneys, which shall constitute a permanent fund to be invested as hereinafter provided. The income from said trust fund, when available, shall be applied solely to the repairing of roadways, water appliances, walks, drains, monuments, abandoned lots, building and public grounds connected with said cemetery, and for its general care and maintenance. The said trust fund shall be kept separate and apart from all other funds under the control of said board of park and cemetery commissioners and from other city funds. Such trust fund shall never, under any pretext or evasion, be directed from this declared purpose, and the interest thereof shall be used annually, or as occasion may require, as hereinbefore directed.

Income of  
fund, how  
applied.

Fund to be  
kept separate,  
etc.

## TITLE XXI.

SEC. 5. Any member of the police force appointed by said board, shall, before entering upon the duties of his office, make and file with the clerk of said board, the official oath provided for in this act. After filing said official oath, the policemen so appointed shall possess all the common and statutory power of constables and sheriff, except for the service of civil process, and conveying prisoners under sentence to any place outside of the city of Saginaw. They shall have the power to serve any subpoena, warrant, order, notice, paper or process issued or directed by any justice of the peace, judge, court or officer in criminal cases of the State of Michigan, in the execution of the laws of this State, for the prevention of crimes and punishment of offenders, or the police laws and regulations of the city or State, in any proceedings collateral to or connected with the execution of such general laws, police laws, ordinances and regulations in any part of this State without backing or endorsement from any other magistrate or officer of this State; they shall have the exclusive power, and it shall be their duty to serve all summons, subpoenas, warrants, commitments, orders, notices, papers, processes, whatever, issued out of the recorder's court, or by the police court in all criminal cases, and in all civil cases wherein said city is a party to any proceedings, except as herein otherwise provided, and shall be detailed by the proper officer to attend, instead of the sheriff, deputy sheriff, or constables, the said recorder's court and the police court, whenever said court is engaged in the trial of criminal cases, or civil cases wherein the said city is a party. For the time engaged in active service, each member so engaged shall be paid such salary as shall be recommended by the board and approved by the common council. Said board shall

Police,  
oath of.

Powers and  
duties.

Salary.

recommend annually, but the common council shall have the power to fix and shall fix the compensation of appointees of said board except the chief of police and all claims for the same and all accounts allowed by said board shall, except as provided in section eight of this title, when certified by the board, be submitted to the common council for allowance and payment in the same manner as other claims against the city.

Rewards,  
fees, etc.,  
where  
credited, etc.

Transfer to  
police fund,  
for certain  
purposes.

Proviso as to  
amount.

Further pro-  
viso, offering  
special  
rewards.

SEC. 8. All rewards, fees, proceeds of gifts or emoluments that may be allowed by the board of police commissioners to be paid or given for or on account of any extraordinary services of any member of the police force, unless otherwise appropriated by the board, and all moneys arising from the sale of unclaimed goods, or otherwise received by said board or member of said police force, shall be paid to the city treasurer and credited to the general fund of the city. The said board may, whenever it deems it necessary for the proper and efficient police regulations in said city, direct the city treasurer to transfer to the police fund, and to pay out of said police fund for the pursuit or arrest of fugitives from justice, such sums, and to such persons as they shall direct, upon orders drawn by the clerk of said board, and countersigned by the president thereof and the chief of police: *Provided*, The sum or sums so paid out shall not exceed the sum of three hundred dollars. Said fund shall at all times be kept full, and said board shall not pay out any money for any other purpose: And *Provided further*, When any special reward or emolument which has been offered for the arrest of any fugitive or fugitives from justice, is received by any member or members of the police force or by the police department of the city of Saginaw, or the board of police commissioners from any source, the board of police commissioners may, in its own discretion, give and allow all, or such portion of said reward to any member or members of the police force of the city of Saginaw that it deems entitled to receive the same and shall draw an order on the general fund for said amount. The balance, if any, of said special reward, shall be placed in the general fund of the city of Saginaw as hereinbefore provided in this section.

## TITLE XXII.

When board  
in session.

SEC. 3. The said board shall continue in session from day to day, Sundays excepted, from and including the last Monday in April of each year, to and including the second Monday in May, from nine o'clock in the forenoon to twelve o'clock noon, at the office of the city assessor, when and where any person desiring to do so can examine his or her assessment on said roll, and may show cause, if any, why the valuation should be changed. The board shall decide the same, and its decision shall be final, unless the person affected thereby

Decision and  
right of ap-  
peal.



shall, within forty-eight hours after such decision, make and file with the city clerk his appeal therefrom to the common council, in writing, and state especially the grounds of appeal.

#### TITLE XXIV.

SEC. 41a. Hereafter, when the city assessor of the city of Saginaw increases the valuation of any assessment of real estate or personal property upon any assessment roll of the city of Saginaw, he shall notify in writing, by mail or otherwise, the party or parties to whom such property is assessed on the assessment roll, of such increase in the assessment. This notice may be given at any time prior to the last day that the board of assessment and review is in session: *Provided*, That the failure of the aforesaid party or parties to receive such notice shall not in any way invalidate any assessment or tax, or operate as an irregularity of any assessment or tax made by the assessing officer of the city of Saginaw.

Notice of increased valuation upon assessment roll, how given.

Proviso, failure to receive not to invalidate tax.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 684.]

AN ACT to regulate the treatment and control of dependent, neglected and delinquent children under the age of seventeen years within the city of Detroit; to establish the Juvenile Court of Detroit; to regulate the practice in such court; to provide for the appointment of probation officers; to prohibit the commitment to any jail, police station or house of correction of any child under the age of fourteen years, except in certain cases; to impose certain duties on county agents, and vest in said courts jurisdiction of offenses under statutes of this State relative to cruelty to children, truant and disorderly children and compulsory education and truancy.

*The People of the State of Michigan enact:*

SECTION 1. This act shall apply to children under the age of seventeen years who shall be in the custody or control of any person who resides in the city of Detroit and to any and all "dependent," "neglected" and "delinquent" children within the meaning of this act, who shall be found within the city of Detroit, except such as shall be inmates of a State institution or any industrial school for boys or industrial school for girls or some institution incorporated under the

Application of act.

Certain  
terms  
defined.

laws of this State. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child under the age of seventeen years, who for any reason is destitute, homeless, or abandoned; or dependent upon the public for support; or has not the proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame or with any vicious or disreputable person; or whose home by reason of neglect, cruelty, or depravity on the part of its parents, guardian or any other person in whose care it may be, is an unfit place for such child; and any such child under the age of ten years who is found begging, peddling, or selling any article or singing or playing any musical instrument for gain upon the street or giving any public entertainment or who accompanies or is used in aid of any person so doing. The words "delinquent child" shall include any child under the age of seventeen years who violates any law of this State or any city ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who, without just cause and without the consent of its parents or custodian, absents itself from its home or place of abode, or who is growing up in idleness or crime; or who knowingly frequents a house of ill-repute; or who knowingly frequents any policy shop or place where any gaming device is operated; or who frequents any saloon or dram shop where intoxicating liquors are sold; or who habitually patronizes or visits any public pool room or bucket shop; or who habitually wanders about the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks or jumps or attempts to jump on any moving train or street car, or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language, or who is guilty of immoral conduct in any public place or about any schoolhouse. Any child committing any of the acts herein mentioned shall be deemed a "delinquent child" and shall be proceeded against as such, in the manner hereinafter provided. A disposition of any child under this act or any evidence given in any cause under this act, shall not in any civil, criminal or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this act. The word "child" or "children" may be held to mean one or more children and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The term "court" whenever used in this act shall mean any juvenile court established by this act.

"Delinquent  
child"  
defined.

When certain  
evidence may  
be used.

Certain  
words  
defined.

"Court"  
defined.

Juvenile  
court, estab-  
lishment of.

SEC. 2. In the city of Detroit there shall be a municipal court to be known as the Juvenile Court of Detroit, which shall have original jurisdiction in all cases coming within

the terms of this act. The judge of such court shall be elected by the electors of the city of Detroit at the election in April and shall hold his office for the term of four years; the first election shall be held in April, A. D. nineteen hundred nine, and the first full term shall commence on the first day of June, A. D. nineteen hundred nine. And thereafter at the city election next preceding the expiration of the terms of office of said judge, his successor shall in the same manner be elected. As soon as this act shall take effect the vacancy in the office of the judge of the juvenile court of Detroit shall be filled by an assignment by the judges of the circuit court for the county of Wayne, of one of their number to act as judge of said juvenile court for the current year, which shall continue until the first day of June, A. D. nineteen hundred nine. And said judge shall receive no additional compensation over and above his salary as circuit court judge for such services as he may render under this act. Said court shall be a court of record and have a seal.

Judge, election of and term of office.

Successor, election of.

Circuit judge to fill vacancy.

Court of record.  
Construction of act.

SEC. 3. This act shall be liberally construed to the end that the care, custody and discipline of children brought before the court, shall approximate as nearly as possible that which they should receive from their parents, and that as far as practicable, they should be treated not as criminals but as children in need of aid, encouragement and guidance. Proceedings under this act shall not be deemed to be criminal proceedings.

Proceedings not criminal.

SEC. 4. The judge of said court shall receive from the city of Detroit a salary of three thousand five hundred dollars per annum, to be paid monthly. The board of county auditors shall provide a special court room separate and apart from all other court rooms, to be designated as the juvenile court room, for the hearing of all such cases, and the findings of the court shall be entered in a book or books to be kept for that purpose, and known as the "Juvenile Record." The board of jury commissioners, as created by act number two hundred four of the public acts of eighteen hundred ninety-three, shall annually or whenever required by the clerk of said court, in accordance with the method required by this act, select persons to serve as jurors for the trial of cases, matters and proceedings in said juvenile court, and shall file a list of the persons so selected with the clerk of said juvenile court. The number to be selected on the third Monday of May, of each year as provided by said act, shall be three hundred. After the filing of such list the proceedings for selection, summoning and compelling the attendance of the sheriff shall not be required. Jurors shall be drawn and summoned for a term of two months, which shall begin on the first day of the calendar month next succeeding such drawing. Not less than eighteen nor more than thirty-six jurors shall be drawn and summoned for a term, unless for a special reason the clerk of said court shall in writing direct that a greater number shall be drawn and summoned.

Salary of judge.

Provisions for court room, etc.

Jurors, selection of.

Number selected for each year.

Term drawn for.

Number drawn for term.

Notification  
of selection.

The persons so drawn shall be notified in writing of their liability to jury duty in the juvenile court for the calendar months to be specified, which notice shall be served personally, if practicable, upon each person so drawn, by the sheriff in the manner now provided by law, and a return in writing of the time and manner of such service shall be made and filed with the clerk of said juvenile court. Said jurors shall report for service to the clerk of said court. The actual attendance of the persons duly notified for jury service may be required and enforced according to law. The persons so

Compensation.

serving as jurors shall be entitled to receive from the county of Wayne the sum of two dollars and fifty cents each, for each day's actual attendance, which sum shall be paid by the city of Detroit on certificate of the clerk of said juvenile court. Whenever by law a judge of the circuit court for the county of Wayne is required or directed to be present at or to participate in any part of the proceedings to select jurors for the court, the clerk of said juvenile court shall perform like duty in like proceedings to select jurors for said juvenile court.

Clerk of  
juvenile court  
duties, where  
circuit judge  
participates  
in drawing  
of jurors.

Juries, per-  
sons com-  
posing.

SEC. 5. Juries in said juvenile court shall be composed of six persons, who shall be residents of said city of Detroit, and shall severally possess the lawful qualifications of jurors in the circuit court for the county of Wayne, and any challenge, which would be valid in the circuit court shall be valid and sufficient if made in the said juvenile court.

Detention  
room or  
place, pro-  
visions for.

SEC. 6. It shall be the duty of the board of auditors in said county within ninety days from the passage of this act, to provide and thereafter to maintain at public expense a detention room or house of detention or other suitable place, separated from the jail, lockup, police station or any other place of confinement, used for the incarceration of adult criminals or adults charged with crimes or misdemeanors.

Location of.

Such detention place shall be properly located both for the convenience of the juvenile court work, and with a view to the healthful, physical and moral environment of all children who shall within the provisions of this act, be detained in such place of detention. Such place of detention shall be in charge of a capable matron or other person of good moral character. On the recommendation of the judge of said court of a suitable person for that purpose, the common council of the city of Detroit shall appoint such person to be the clerk of said court, and it shall be the duty of the superintendent of the metropolitan police of the city of Detroit to provide sufficient officers of the metropolitan police to preserve order in said court.

Person in  
charge.

Clerk of  
court and  
police officers,  
appointment  
of.

Probation  
officers, ap-  
pointment of.

SEC. 7. The commissioner of police of the city of Detroit on recommendation of the judge of said juvenile court shall have authority to appoint or designate one or more persons of good moral character to serve as probation officers to receive no compensation, except as herein provided. In case a probation officer shall be so appointed it shall be the duty of the clerk of the court, if practicable, to notify the said

probation officer when any child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court may require, and to take charge of any child before and after the trial as may be directed by the court. A probation officer shall qualify by giving bond to the people of the State of Michigan in the penal sum of five hundred dollars with surety or sureties to be approved by said court conditioned upon faithful discharge of the duties assigned to such probation officer, and shall act without public expense under the general supervision of the county agent for the county in which such court is situated. The number of probation officers named and designated as aforesaid, who shall receive compensation for their services shall not exceed five, one of whom shall be appointed, as aforesaid and designated as chief probation officer, who shall receive a salary of one thousand two hundred dollars per year; and expenses may be allowed such officer to an amount not exceeding five hundred dollars, in any one year, in the discretion of the court; and four other probation officers to be appointed as aforesaid and designated as assistant probation officers one of whom shall be the county agent who shall receive a salary of one thousand dollars per year, and expenses may be allowed the said assistant probation officers to an amount not exceeding three hundred dollars each per year, in the discretion of the court, to be paid by the city treasurer from the public funds. Said salaries shall be paid by the city of Detroit in equal monthly installments, due at the end of each month upon a certificate issued by the clerk of said court and countersigned by the judge thereof showing the number of days in that month which said probation officer shall have actually been engaged: *Provided*, That additional bonds may be required of a probation officer, at any time by said court commensurate with any special trust invested in said officer: *And Provided further*, That any probation officer may be peremptorily removed by said court at any time in the discretion of said court.

Duties.

Bond required.

Salaries of officers and number to receive same.

Proviso as to additional bonds.  
Further proviso as to removal from office.

Sec. 8. Upon the filing with any juvenile court of a sworn complaint by any reputable resident of the county of Wayne, setting forth upon knowledge, information or belief that any child a resident of said city is a delinquent, dependent or neglected child within the meaning of the classifications contained in section one of this act, it shall be the duty of such court before further proceedings are had in the matter, to give personal or written notice of the filing of such complaint to the county agent, or a duly qualified probation officer, who shall immediately proceed to inquire and examine into the parentage and surroundings of the child, and all the facts and circumstances of the case, and forthwith to report the results thereof to the court. If upon such report or such further information as the court may require or secure, it shall ap-

Complaint, notice of filing of, to be given proper officer, to investigate.

Issue of summons.

Notification.	<p>pear to the court that the public interests or the interests of the child will be subserved thereby, a summons may issue, requiring it to appear before the court at the time and place named therein and, in the court's discretion, requiring the person or persons having the custody or control of the child, or with whom the child may be living to appear before the court and produce the child at a place and time which shall be stated in the summons, and show cause why such child should not be adjudged a delinquent, dependent or neglected child, as the case may be. The parents of the child, if living and their residence is known to the petitioner, or its legal guardian, if one there be, and his residence is known to the petitioner. or if there is neither parent nor guardian, or if his or her residence be not known, then some near relative, if his residence be known to the petitioner, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. Summons and notice may be served by the sheriff or by any duly appointed probation officer, either by reading the same to the person or persons to be served or by delivering a copy thereof to such person or persons or by leaving a copy thereof at his usual place of abode, if stated in the petition or known, with some person of his family of the age of ten years or upwards, and informing such person of the contents thereof. The return of such summons and notice with endorsement of service by the sheriff or probation officer in accordance therewith shall be sufficient proof thereof. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court or to bring the child, he may be proceeded against as in case of contempt of court under and in accordance with the provisions of chapters thirty-eight and three hundred one, Compiled Laws of Michigan, of eighteen hundred ninety-seven. Such summons shall be issued in all cases instead of a warrant, unless in the judgment of the court, the summons cannot be served or would be ineffectual or disobeyed, in which case and in any case in which a child has been summoned as aforesaid and did not appear, or the summons issued as aforesaid be not served, or has proven ineffectual, or has been disobeyed, the court may issue a warrant reciting the substance of the complaint and requiring the officer to whom it is directed forthwith to take such child and bring it before the court to be dealt with according to law, and to summon such witnesses as shall be named therein to appear and give evidence at the examination.</p>
Service of summons and notice.	
Return of summons and notice.	
Failure to appear.	
Warrant, when to be issued.	
Age of children over whom court has jurisdiction.	<p>SEC. 9. When a male child under the age of seventeen years or a female child under the age of seventeen years is arrested with or without a warrant such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court; or if the child is taken before a justice of the peace or police magistrate it shall be the duty of such justice of the peace or police magistrate to</p>

transfer the same to such court and the officer having the child in charge to take the child before such court, and, in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as herein provided. In any case, the court shall require notice to be given and investigation to be made as in other cases under this act and may adjourn the hearing from time to time for that purpose.

SEC. 10. A child under the age of fourteen years shall not be committed to a police station, lockup or place of detention, to a jail or house of correction, pending an examination in default of bail, or for the non-payment of a fine except as hereinafter provided, or upon the conviction of an offense not punishable by death or life imprisonment: *Provided*, That a boy, twelve years of age or over, arrested in the act of violating a State law or a municipal ordinance, or on a warrant in the discretion of the arresting officer, may be committed to a lockup, police station or house of detention. The officer of the place of custody in which such child is confined, on the written request of the probation officer, shall release such child to him unless the officer who made the commitment shall make a written request for his detention. Said probation officer shall notify such child of the time and place of the hearing.

Commitment  
of child  
under certain  
age.

Proviso.

Release of  
child.

SEC. 11. Every case of a delinquent, dependent or neglected child shall be investigated by the county agent or a probation officer, who shall make a report regarding the character of such child, its school record, its home, its surroundings and the previous complaints against it, if any. Such agent or officer shall be present in court at the trial of the case and shall furnish the court with such information and assistance as shall be required.

Investigation  
of cases.

SEC. 12. Said court shall designate suitable times for the hearing of cases of juvenile offenders and delinquent, dependent or neglected children, which shall be called the session for children. Said session shall be separate from that for the trial of other cases and as far as practicable, shall be held in rooms not used for such trials. No other minors shall be allowed to be present at such hearing unless their presence is necessary either as a party or as a witness, or in the opinion of the court in the interests of justice.

Times of  
hearing.

Exclusion of  
other minors.

SEC. 13. Upon the return of the summons or warrant or as soon thereafter as may be, the court shall proceed to hear and dispose of the case. At such hearing, the court shall examine the child, and any witnesses that appear and take such testimony relative to the case as may be produced or required. If the allegations against the child are proved, the court may adjudge said child a delinquent, dependent or neglected child as the case may be: *Provided*, That if it shall appear to the court that the welfare and interests of the child will be best subserved thereby, the court may order the return of the child to his or her parents, guardians or friends:

Proceedings  
after return  
of summons,  
etc.

Proviso,  
as to welfare  
of child.

Further proviso, as to trial by criminal proceedings.

And *Provided further*. That if the child be complained against as a delinquent child and the court shall be of the opinion that his or her welfare and the interests of the public require that he or she be tried by criminal proceedings, instead of being dealt with as a delinquent child, the court may, after hearing on said complaint order that it be dismissed.

When adjudged a delinquent child.

SEC. 14. If the child be adjudged a delinquent child, the court may place the case on trial and impose a fine not to exceed the sum of twenty-five dollars with costs, or in the court's discretion and if the child be adjudged a dependent or neglected child the court may decree such child to be a ward of the court as far as its person is concerned, and may place it in the care of a probation officer for such time on such conditions as the court may determine, and the child, upon its release on such probation shall be furnished with a written statement of the terms and conditions of its release:

Proviso, as to civil action.

*Provided*, That if the court shall find, as an element of the child's delinquency, that it has committed an act involving its liability in a civil action, the court may require as a condition of its probation, that it shall make restitution or reparation to the injured person to such an extent or in such sum as the court shall determine. At any time during the probation of such child, released on probation, as aforesaid, the court may in its discretion revoke or terminate such probation. At any time after the court shall have acquired jurisdiction of a child under the provision of this act, if in the opinion of the court such child be wilfully wayward and unmanageable, the court may cause him or her to be sent to the Industrial School for Boys at Lansing, or to the Industrial Home for Girls at Adrian, or to any private home or institution approved of by the court to receive such boy or girl subject to such conditions of sex and age as are provided for the reception of children in said school, home or institution, and in such case, the report of the county agent and probation officer shall be attached to the mittimus and the child shall be placed in the charge of the county agent or some person designated by him and approved by the court to be conveyed to the institution, for which services the same fee shall be allowed as are paid sheriffs in like cases: *Provided*, That when a girl is to be conveyed to any institution, a suitable woman shall be such officer or shall accompany such girl. All laws applicable to a boy or girl committed for a crime shall apply to a child committed under this section. When the health or condition of a child shall require, the court shall cause the child to be placed under the supervision of a probation officer in a public or private hospital or institution for treatment or special care, to be paid from the general fund of the city, upon the order of the court.

Probation, release on termination of.

Wilful waywardness, etc.

Proviso as to conveying of girl to institution.

Placing child in hospital.

Probation officer, rights and authority.

SEC. 15. A probation officer shall have all the authority, rights and powers in relation to a child committed to his care under the provisions of this act, and in relation to a child released to him, as a sheriff, police officer or legal guardian



of said child, or as a surety upon recognizance of such child.

SEC. 16. If a child has been placed in the care of a probation officer as provided in this act, said officer, during such probation may arrest such child without a warrant and take it before the court, or upon application therefor the court may issue a warrant for its arrest. When such child is before the court, the court may make any disposition of the case which it might have made before such child was placed on probation, or may continue or extend the period of probation.

Arrest of child during probation, without warrant.

SEC. 17. When any child shall be confined to any institution it shall be unlawful to confine such child with an adult or adults charged with crime or in the same yard or enclosure or in communication with such adult or adults, or to bring such child into any yard or building, or in any conveyance in which such an adult or adults are present or which are used or provided for occupancy or conveyance of adult criminals or adults charged with crime.

Confining child with adult.

SEC. 18. A disposition of any child under this act, or any evidence given in such case shall not in any civil, criminal, or other cause whatever in any court be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against such child under this act: *Provided*, That such child may at any time or in any proceedings introduce such evidence in its own behalf.

When certain evidence may be used.

Proviso.

SEC. 19. In any case in which the court shall find a child delinquent, dependent or neglected, it may in the same or subsequent proceedings, upon the parents or guardian of said child or either of them being duly summoned or voluntarily appearing, proceed to inquire into the ability of said parents or guardian to support such child and to contribute towards its support, and may enter such order or decree as shall be according to equity in the premises.

Support of child.

SEC. 20. Criminal proceedings shall not be begun against any child between the ages of seven and fourteen except for an offense punishable by death or imprisonment for life, unless proceedings against it as a delinquent child have been instituted and heard as hereinbefore provided.

Criminal proceedings when may begin.

SEC. 21. For the purpose of this act, said juvenile court is vested with full and complete jurisdiction under the laws relative to cruelty to children, truant and disorderly children and compulsory education and truancy as more particularly embodied in the provisions of section eleven thousand five hundred seven of the Compiled Laws of eighteen hundred ninety-seven, act number two hundred twenty-two of the public acts of eighteen hundred eighty-nine, as amended, and act ninety-five of the public acts of eighteen hundred ninety-five, and act two hundred of the public acts of nineteen hundred five, as amended, and with full and complete power and authority as magistrates and for proper proceedings to carry such laws into full effect.

Jurisdiction of juvenile court.

State Board  
of Corrections  
and Charities  
to supervise  
probation  
work.

SEC. 22. The State Board of Corrections and Charities shall have authority to supervise the probation work for delinquent, dependent and neglected children, and to make such inquiries as are considered necessary in regard to the same, and in its annual report may make such recommendations as it considers advisable for the improvement of methods for dealing with such children.

SEC. 23. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved June 27, 1907.

[No. 685.]

AN ACT to amend section four of chapter one of "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section four of chapter one of "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, is hereby amended to read as follows:

Division into  
wards.

SEC. 4. The said city is hereby divided into the following wards:

First.

First, The first ward shall consist of all that part of the city lying between the center lines of Woodward avenue and Beaubien street, and the said lines extending northerly and southerly to the city limits;

Second.

Second, The second ward shall consist of all that part of said city bounded on the east by the center line of Woodward avenue, and on the west by the center line of First street, from the Detroit river to the center line of Grand River avenue, up Grand River avenue to the center line of Second street, along the center line of Second street, and the said lines extended northerly and southerly to the city limits;

Third.

Third, The third ward shall consist of all that part of the city lying between the center line of Beaubien street, said line extended northerly and southerly to the city limits, and another line described as follows: Beginning at a point in the channel bank of the Detroit river, where the center line of Hastings street, if extended, would touch, running thence northerly along the center line of Hastings street to the Boulevard; thence along the center line of Melrose avenue, which is a continuation of Hastings street, to the center line of Marston avenue; thence westerly along the center line of

Marston avenue to the center line of Oakland avenue, thence along the center line of Oakland avenue northerly to the center line of Holbrook avenue, thence easterly along the center line of Holbrook avenue to the center line of Goodwin street, thence northerly along the center line of Goodwin street as extended to the northerly city limits;

Fourth, The fourth ward shall consist of all that part of <sup>Fourth.</sup> said city lying between the westerly boundary line of the second ward above described and the center line of Crawford street, from the northerly city limits to the center line of Grand River avenue, thence through Grand River avenue to the center line of Fifth street, and down the center line of Fifth street, and the said lines extended northerly and southerly to the city limits;

Fifth, The fifth ward shall consist of all that part of the <sup>Fifth.</sup> city lying east of the easterly boundary line of the third ward above described and the center line of Russell street, said line extended northerly and southerly to the city limits;

Sixth, The sixth ward shall consist of all that part of said <sup>Sixth.</sup> city lying between the westerly boundary line of the fourth ward above described, and east of a line described as follows: Beginning at the center line of Eighth street and the channel bank; thence north along the center line of Eighth street as extended to the center line of Fort street; thence west along the center line of Fort street to the center line of Trumbull avenue; thence north along the center line of Trumbull avenue to Holden avenue; thence northerly along the center line of Trumbull avenue as extended to Greenfield avenue; thence northerly along the center line of Greenfield avenue to the center line of Seward avenue; thence westerly along the center line of Seward avenue to Wilson avenue extended; thence along the center line of Wilson avenue extended to the center line of Wilson avenue; thence northerly along the center line of Wilson avenue to the northerly city limits;

Seventh, The seventh ward shall consist of all that part <sup>Seventh.</sup> of said city lying between the center line of Russell street, said line extending northerly and southerly to the city limits, and a line described as follows: Beginning at a point where Dequinder street extended would reach the channel bank; thence northerly along the center line of Dequinder street to the Boulevard; thence northerly along the center line of the right of way of the Detroit, Grand Haven & Milwaukee R. R. to the northerly city limits;

Eighth, The eighth ward shall consist of all that part of <sup>Eighth.</sup> said city lying between the line which marks the westerly boundary line of the sixth ward above described, and a line described as follows: Beginning at a point where Vermont avenue as extended meets the channel bank; thence northerly along the center line of Vermont avenue as extended to the center line of Vermont avenue; thence along the center line of Vermont avenue to the center line of Howard street; thence

westerly along the center line of Howard street to the center line of Wabash avenue; thence northerly along the center line of Wabash avenue to the Boulevard; thence westerly along the center line of the Boulevard to Fourteenth avenue; thence northerly along the center line of Fourteenth avenue to the city limits;

Ninth. The ninth ward shall consist of all that part of said city lying between the line which marks the easterly boundary line of the seventh ward and the center line of Chene street, said Chene street extending northerly and southerly from the city limits to Harper avenue; thence extending northeasterly to the Boulevard; thence to the northerly city limits;

Tenth. The tenth ward shall consist of all that part of said city lying between the line which marks the westerly boundary line of the eighth ward above described, and a line described as follows: Beginning at a point where Nineteenth street, if extended, would reach the channel bank; thence northerly along the center line of Nineteenth street as extended to the center line of Nineteenth street; thence northerly along the center line of Nineteenth street to the center line of Fort street; thence westerly along the center line of Fort street to the center line of Twentieth street; thence northerly along the center line of Twentieth street to the westerly line of Loranger Farm; thence northerly along the westerly line of the Loranger Farm to McGraw avenue; thence westerly along the center line of McGraw avenue to Lawton avenue; thence northerly along the center line of Lawton avenue to the center line of the Boulevard; thence westerly along the center line of the Boulevard to the center line of Montclair avenue; thence northerly along the center line of Montclair avenue to the northerly city limits;

Eleventh. The eleventh ward shall consist of all that part of said city lying between the easterly boundary line of the ninth ward above described and the center line of McDougall avenue, said lines extended northerly and southerly to the city limits;

Twelfth. The twelfth ward shall consist of all that part of said city lying between the line which marks the westerly boundary of the tenth ward as above described and in line described as follows: Beginning at the center line of the Boulevard and the channel bank, running thence northerly along the center line of the Boulevard to Lafayette avenue; thence easterly along the center line of Lafayette avenue to the westerly line of the Porter Farm, thence northerly along the westerly line of the Porter Farm to McGraw avenue, thence westerly along the center line of McGraw avenue to Roosevelt avenue; thence northwesterly along the center line of Roosevelt avenue to Brown Place, thence westerly along the center line of Brown Place to Vinewood avenue, thence northerly along the center line of Vinewood avenue

to the center line of Grand River avenue, thence northwesterly along the center line of Grand River avenue to the city limits;

Thirteenth, The thirteenth ward shall consist of all that part of said city lying between the center line of McDougall avenue and the center line of Mount Elliott avenue and the said lines extended northerly and southerly to the city limits; Thirteenth.

Fourteenth, The fourteenth ward shall consist of all that part of said city lying between the line which marks the westerly boundary of the twelfth ward above described and the westerly line of private claim forty-seven, and the said lines extended northerly and southerly to the city limits; Fourteenth.

Fifteenth, The fifteenth ward shall consist of all that part of said city lying east of the center line of Mount Elliott avenue extended northerly and southerly to the city limits and the center line of Field avenue extended northerly and southerly to the city limits and shall include that parcel of land situate in the Detroit river, known as Belle Isle; Fifteenth.

Sixteenth, The sixteenth ward shall consist of all that part of said city lying west of the westerly line of private claim forty-seven, and the said line extended northerly and southerly to the city limits, and a line described as follows: Beginning at the center line of Artillery avenue extended to the channel bank; thence running north on the center line of Artillery avenue extended to the center line of Artillery avenue; thence north on the center line of Artillery avenue to the center line of Dix avenue; thence southeast on the center line of Dix avenue to the center line of Livernois avenue; thence north on the center line of Livernois avenue to the northerly city limits; Sixteenth.

Seventeenth, The seventeenth ward shall consist of all that part of said city lying east of the center line of Field avenue extended northerly and southerly to the city limits; Seventeenth.

Eighteenth, The eighteenth ward shall consist of all that part of said city lying west of the westerly line of the sixteenth ward above described. Eighteenth.

This act is ordered to take effect July one, nineteen hundred eight.

Approved June 27, 1907.

[No. 686.]

AN ACT to empower the city of Detroit to pay out certain moneys for the establishment of a municipal brick plant.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of Detroit is hereby empowered and may, by resolution, provide for the compensation of the contractor or contractors for any work

Compensation  
for work,  
etc., by  
contractor.

Second.      ning. The second district shall comprise the village of Hamtramck. The third district shall include the territory bounded westerly by the village of Hamtramck, northerly and westerly by the boundary of the first district as hereinbefore described, and easterly and southerly by the easterly and southerly boundaries of said township. The fourth district shall comprise so much of the village of Highland Park as lies within the limits of the township of Hamtramck, together with the territory bounded westerly by the city of Detroit, the village of Highland Park, and the westerly boundaries of the said township of Hamtramck, easterly by the Conant Road, and southerly by the village of Hamtramck.

Fourth.      

Law governing.      SEC. 3. The provisions of chapter ninety-five of the Compiled Laws of eighteen hundred ninety-seven shall apply to and govern all proceedings hereunder with reference to boards of registration, election inspectors and all other matters not provided for by the general election laws of the State, or by special acts applicable to Wayne county.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 690.]

AN ACT to amend section forty-seven of chapter twelve of an act to provide a charter for the city of Detroit, approved June seven, eighteen hundred eighty-three, and to repeal all acts and parts of acts in conflict therewith, as amended by an act approved May twenty-seven, eighteen hundred ninety-three.

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. Section forty-seven of "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, as amended by an act approved May twenty-seven, eighteen hundred ninety-three, is hereby amended to read as follows:

Stenographers of recorder's court, appointment and duties.

SEC. 47. There shall be two stenographers of said recorder's court, who shall be appointed by the recorder, and the persons so appointed shall be deemed officers of the court, and it shall be their duty to attend each session thereof, and to take full stenographic notes of the testimony and of the charge of the court in all cases tried in said court, unless otherwise ordered by the judges thereof. And in case a judge shall so order, they shall make without extra compensation a legible transcript of their notes, which shall be filed by the clerk and preserved as part of the files in the cause, subject to

the inspection of all parties interested. They shall each receive an annual salary of two thousand five hundred dollars which shall be paid in monthly installments out of the county treasury. Said stenographers shall be entitled, except as herein otherwise provided, to the same fees for making a transcript of the testimony and charge of the court in any case as shall be allowed by law to the stenographer of the circuit court for the county of Wayne for like service.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 691.]

AN ACT to regulate the location of cemeteries in the various townships of the county of Kent.

*The People of the State of Michigan enact:*

SECTION 1. Premises in the various townships of the county of Kent lying within one and one-half miles of the limits of any incorporated city or within eighty rods of the limits of any incorporated village, shall not hereafter be used for the burial of deceased persons until the location proposed to be used for a cemetery shall have been approved by the township board of the township in which it is proposed to locate such cemetery: *Provided, however,* That the provisions of this act shall not apply to lands which shall have been used prior to the first day of May, nineteen hundred seven, for cemetery purposes, nor to extensions of such cemeteries upon adjoining parcels of land.

Township boards to approve location of cemeteries.

Proviso.

SEC. 2. Persons desiring to use premises for burial purposes shall make an application in writing to the township board and file the same with the township clerk, setting out the name or names of the persons desiring to establish a cemetery and describing the premises proposed to be used for cemetery purposes by metes and bounds, together with the section number, town and range according to the government survey of the State of Michigan. Said application shall be considered by the township board at its next meeting, whether regular or special occurring more than fifteen days after the filing of the application aforesaid.

Application for establishing cemetery.

When considered.

SEC. 3. If the said board shall approve the proposed cemetery site, the township clerk shall enter the resolution reciting such fact with the description of the cemetery site metes and bounds, together with the section, township and range number according to the government survey of the State of Michigan in his record of the proceedings of the township board, and it shall then be lawful for persons to use

Approval of application recorded.

Penalty for  
violation.

the lands described in said resolution for cemetery purposes.

SEC. 4. Any person who shall inter the body of any deceased person upon premises specified in section one not in use for the purposes of burial prior to the first day of May, nineteen hundred seven, or extension thereof, without such premises shall have been approved by the township board as provided in the preceding sections of this act, shall be deemed guilty of a misdemeanor and shall upon conviction thereof by a court of competent jurisdiction be fined not less than twenty-five dollars nor more than one hundred dollars or shall be imprisoned in the county jail not less than thirty days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 692.]

AN ACT to raise the limit of the aggregate amount which may be raised by general taxes in the city of Mt. Clemens, Macomb county, Michigan, in case the same shall be ratified by the electors of said city.

*The People of the State of Michigan enact:*

Amount of  
tax limited.

SECTION 1. The aggregate amount which the common council of the city of Mt. Clemens may raise by general tax upon the taxable real and personal property in said city, for the purpose of defraying the general expenses and liabilities of the corporation and for all purposes for which the several general funds mentioned in section three of chapter thirty of the act to provide for the incorporation of cities of the fourth class, being section three thousand two hundred ninety-one of the Compiled Laws of the State of Michigan for the year eighteen hundred ninety-seven shall not, except as provided in said act elsewhere than in section five of said chapter thirty exceed in one year, one per cent: *Provided*, That this act shall not take effect until the same shall be provided by a majority of the electors voting in favor thereof at any general or special election of said city.

Proviso,  
approval by  
electors.

This act is ordered to take immediate effect.

Approved June 27, 1907.



## [No. 693.]

AN ACT to provide for the direct nomination of party candidates for the office of representative in the State legislature for the second district of Washtenaw county.

*The People of the State of Michigan enact:*

SECTION 1. The two political parties casting the highest number of votes at the last general election in the second representative district for the county of Washtenaw, shall each nominate its candidates for the office of representative in the State legislature under the terms and provisions of act number one hundred eighty-one of the public acts of nineteen hundred five the same as if a majority of the electors of said political parties in said district had voted in favor of the direct nomination of such candidates.

Act governing nomination in certain parties.

Approved June 27, 1907.

## [No. 694.]

AN ACT to prevent the lowering of waters in any meandered lakes in Cass county.

*The People of the State of Michigan enact:*

SECTION 1. It shall henceforth be unlawful for any person to lower the natural level of the waters of any meandered lake in Cass county by increasing the capacity of the outlet to such lake or by extending any ditch or drain into such lake, or by dredging for marl or other substance: *Provided, however,* That this act shall not be construed to interfere with the piping of water out of any lake in said county of Cass to furnish the water supply for the city of Niles in the county of Berrien, or the water supply for any city or village of Cass county: And *Provided further,* That this act is prospective in its operation and not intended to interfere with any proceedings heretofore had under the drain law, which are or may be held to be otherwise valid.

Unlawful to lower level.

Proviso, water supply of city, etc.

Further proviso as to drain law.

SEC. 2. Any person violating any of the provisions of this act shall, on conviction, be punished by a fine of not more than one hundred dollars for the offense, or by imprisonment in the county jail for not more than sixty days, or both such fine and imprisonment in the discretion of the court, and in case of default in the payment of any such fine, such person shall be committed to the county jail until such fine shall be paid: *Provided,* That such imprisonment shall not exceed sixty days.

Penalty for violations.

Proviso, limit of imprisonment.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 695.]

AN ACT to consolidate the township libraries of the townships of Livingston and Bagley in the county of Otsego, and to create a library commission with authority to take charge of said township libraries and receive and disburse all moneys heretofore and which may be hereafter appropriated for each of the township libraries of said township.

*The People of the State of Michigan enact:*

Consolidation  
of two  
libraries, etc.

SECTION 1. The township libraries of the townships of Livingston and Bagley in the county of Otsego shall hereafter be combined into one library to be known as the Union library of the townships of Livingston and Bagley; and all books, periodicals, papers and other property contained in said libraries and now belonging to said townships shall hereafter be the joint property of said townships, and shall not be subject to sale or alienation from any cause whatever; and all moneys in the hands of the township treasurers of said townships now belonging to, and all moneys hereafter appropriated or apportioned for the library funds of said townships shall hereafter be subject to drafts or orders drawn on said treasurers by the library commission herein-after provided for, and said commission shall provide for the purchase of books and procure all necessary appendages for said Union library with such library moneys, to be drawn as aforesaid.

Moneys  
subject to  
orders by  
library  
commission.

Library  
commission,  
who to con-  
stitute, etc.

Appointment  
of chairman,  
etc., term of  
office, etc.

SEC. 2. The township boards of school inspectors of said townships together with a chairman and secretary to be appointed, as hereinafter provided, by the said boards of school inspectors acting jointly, shall constitute a library commission for said Union library; said chairman and secretary shall be appointed by said joint board of school inspectors, who shall meet for that purpose at said Bagley town hall, in the said township of Bagley, on the last Monday in June, nineteen hundred seven, and shall each hold his office until the second Monday of April, nineteen hundred eight, or until his successor has been appointed and qualified; and said joint board shall, on said second Monday of April, nineteen hundred eight, and annually thereafter on the second Monday of April of each year, appoint a successor to each of said officers, who shall hold said office for one year or until his successor is appointed and qualified, and in case of a vacancy in either of said offices of chairman or secretary, said joint board shall meet and appoint a person to fill such vacancy and the person so appointed shall hold said office until the second Monday of April thereafter or until his successor is appointed and qualified; said chairman and secretary so appointed shall both be resident electors of the village of Gaylord, but both shall not be residents of the same

Qualifications  
of chairman,  
etc., oaths,  
bonds.

township at the time of appointment, and each shall, before entering upon the duties of his said office and within ten days after receiving notice of appointment take and subscribe the constitutional oath of office, and file a bond with the township clerk of his township, in such penal sum as said joint board of school inspectors shall require, conditioned that he will faithfully perform the duties of his office and pay over and disburse all moneys received by him by virtue of his office in accordance with the law of this State, and as directed by said library commission; said chairman so appointed shall be chairman and said secretary so appointed shall be secretary of said library commission, and neither said chairman nor said secretary shall receive any compensation for services performed as officers of said commission.

SEC. 3. Said library commission shall have the general care of said Union library and shall appoint a suitable person for librarian to take immediate charge of said library under such rules and regulations as said commission shall prescribe, who shall receive such compensation for his services as shall be fixed by said library commission, one-half thereof to be paid by each of said townships by orders drawn on the township treasurers thereof; and said commission shall provide a suitable room, or rooms in some building situate in one of said townships and within the corporate limits of the village of Gaylord, where said Union library shall be kept.

Librarian,  
appointment  
of, etc.

SEC. 4. Said library commission shall make such rules, regulations and by-laws for the government and management of said Union library and give such directions to the librarian appointed by them as they shall deem advisable for the proper care and control of such property, and may assess and collect fines and penalties for the loss or injury of any books, periodicals or other property kept in said Union library, and may authorize the librarian to receive such fines or penalties and dispose of the same in such manner as such commission shall direct.

Management  
of library.

SEC. 5. All drafts or orders drawn on the township treasurers of said townships for expenditures for books, periodicals, papers, appendages and other incidental expenses incurred in the performance of the duties of the office of such commission, shall be signed by the secretary and countersigned by the chairman of said library commission, and said drafts or orders so drawn, on either of said township treasurers, shall be paid by such treasurer thereof, out of any library moneys in his hands belonging to the township library fund of his township.

Expenses,  
how paid.

SEC. 6. All persons who are residents of either of said townships of Livingston or Bagley shall be entitled to the privileges of said Union library, subject to such rules and regulations as may be established by said library commission in relation thereto.

Persons  
entitled to  
privileges.

Statements  
by secretary,  
filing of,  
what to  
contain.

SEC. 7. Said secretary shall, on or before the fifteenth day of March of each year, prepare in duplicate, statements containing a list of all books and periodicals kept in said Union library, together with a detailed statement of all orders drawn by him on the library funds of each of said townships, during the then current year, showing in detail for what purposes such orders were drawn and the amount for which they were drawn, together with a statement of the amount of fines and penalties collected during the current year, and shall file one of such duplicate statements, after signing same and certifying to the correctness thereof, with each of the township clerks of said townships on or before said fifteenth day of March.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 696.]

AN ACT to authorize the village of White Cloud in Newaygo county to borrow money and issue its bonds therefor, for the purpose of building and constructing a village hall for the use of said village.

*The People of the State of Michigan enact:*

May borrow  
money and  
issue bonds.

Proviso,  
approved by  
electors.

Further  
proviso,  
amount  
limited.

Ballot, form  
of.

Manner of  
voting, etc.

Bonds, issue  
of, etc.

SECTION 1. The village of White Cloud, in Newaygo county, is hereby authorized and empowered to borrow money and issue its bonds therefor for the purpose of building and constructing a village hall for the use of said village: *Provided*, That said money shall not be borrowed until a majority of the electors voting upon the question at an annual village election or special election called by the village council, for such purpose, shall vote in favor of the borrowing of said money: *Provided further*, That the amount that may be borrowed, under the provisions of this section, shall not exceed eight thousand dollars.

SEC. 2. The form of the ballot to be used in voting upon this proposition shall be as follows:

"For the bonding of the village of White Cloud for the building of a village hall.....(Yes)."

"For the bonding of the village of White Cloud for the building of a village hall.....(No)."

The ballots shall be prepared, voted, counted and canvassed in the same manner that ballots are prepared, voted, counted and canvassed under the provisions of the general village act.

SEC. 3. In case a majority of said electors shall vote in favor of said loan, said bonds shall be issued and shall be

signed by the president of said village and countersigned by the clerk thereof. They shall be issued in such denominations, payable at such place and times, not exceeding thirty years from the date thereof, at such rate of interest not exceeding six per cent, as the village council shall determine. Said bonds shall be negotiated by the said council, but shall not be sold at less than their face value.

SEC. 4. Said village council shall raise by tax, upon the taxable property of said village, such sums of money from time to time as shall be necessary to pay the principal and interest of said bonds as they fall due. Tax clause.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 697.]

AN ACT to grant the common council of the city of Mount Pleasant power and authority to limit the number of places in said city where intoxicating liquors are sold as a beverage, to provide therefor by ordinance, and to provide the manner in which applications for license shall be made.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of Mount Pleasant shall have power and authority, in addition to the powers already heretofore granted by the general laws incorporating cities of the fourth class of the State [of] Michigan, as follows: Additional powers.

SEC. 2. Before entering upon the business of engaging in the sale of spirituous, fermented or intoxicating liquors as a beverage, the person desiring to engage in such business shall make application in writing therefor to the common council of the said city, specifying the location of the building in which he intends to keep a saloon or bar. Such application shall be accompanied by a recommendation, signed by at least ten reputable citizens, that the applicant for such license is well known to them and has a good reputation. If, in the opinion of said common council, such applicant shall not be a person of good moral character or the location proposed shall be deemed by it unsuitable, it shall refuse to grant the application for such license. Liquor license, application for, etc.

SEC. 3. The number of places in said city of Mount Pleasant, where intoxicating liquors are sold as a beverage, shall be limited until May one, nineteen hundred eight, to seven, and thereafter, except as otherwise herein provided, to seven and no greater number shall be licensed within said city until the population thereof shall exceed seven thousand as shown Saloons, number of, limited.

When  
additional,  
may be added.

Additional  
license,  
amount of.

Council may  
enact  
ordinances.

Druggists,  
not affected.

by the then last State or National census, or by special census appointed and taken by the said city of Mount Pleasant.

SEC. 4. When the population of said city shall exceed seven thousand then the right to carry on business in one such place shall be added for each one thousand inhabitants or fraction thereof in excess of seven thousand.

SEC. 5. After an application for a license shall have been approved by the common council of the said city of Mount Pleasant, and before a license shall be issued, said applicant shall pay into the treasury of the city of Mount Pleasant, for the use of said city, the sum of five hundred dollars, in addition to the tax now provided by the general liquor laws of the State.

SEC. 6. The common council of the city of Mount Pleasant is hereby authorized and empowered to enact such ordinances as may be necessary to carry out and give effect to the provisions of this act.

SEC. 7. The provisions of this act shall not be construed to affect in any manner the rights of druggists within the corporate limits of the city of Mount Pleasant to sell spirituous, vinous and fermented liquors to be used for medicinal, mechanical or sacramental purposes, under existing laws.

Approved June 27, 1907.

[No. 698.]

AN ACT to empower the council of the city of Pontiac to issue and sell certain bonds which were authorized by a vote of the electors of said city for the purpose of rebuilding and remodeling fire hall and to use the moneys obtained therefor to purchase, fit up and furnish certain other city property.

*The People of the State of Michigan enact:*

Council to  
complete  
issue and  
sale of  
certain bonds.

Fire hall,  
rebuilding of.

SECTION 1. The council of the city of Pontiac is hereby authorized to complete the issue and sale of the bonds of said city to the amount of ten thousand dollars, which were authorized by vote of the electors of said city, at an election held therein on the first day of April, nineteen hundred seven, for the purpose of raising funds for remodeling and rebuilding the fire hall of said city, so as to adapt the same for use as city offices and a council chamber, as well as for fire purposes.

SEC. 2. The council of said city shall have power to, and is hereby authorized to abandon the remodeling and rebuilding of said fire hall and to use the funds which shall be received from the sale of said bonds, in purchasing, paying

for and fitting up and furnishing, for city hall and park purposes, in their discretion any other buildings and grounds in said city the said council may deem best to purchase.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 699.]

AN ACT concerning the regulation of the sale of intoxicating liquors in Walker township, Kent county, Michigan.

*The People of the State of Michigan enact:*

SECTION 1. No person shall engage in the business of selling intoxicating, spirituous, malt, brewed or fermented liquors, except druggists who shall have complied with the State law, in Walker township, Kent county, this State, until such person shall have been licensed to deal in said liquors by vote of the majority of the board of the said township. Liquor license, procuring of.

SEC. 2. Any person or persons desiring to engage in the business of selling liquors aforesaid, shall, prior to the second Monday in April, apply to the township board of the said township. Said application shall be in writing, signed by the applicant, shall state his name and age and previous employment and shall give the location of the place in which he intends to do business. Said application shall be filed prior to the said second Monday in April with the township clerk of the said township. Said applicant shall accompany the said application with a fee of five dollars and no other license fee shall be exacted from him by said board: *Provided, however,* That licenses shall not be granted under this act unless the applicant shall produce satisfactory evidence that he has paid the taxes required by law to be paid by those engaged in the business of selling the liquors mentioned in section one of this act. Application for.  
License fee.  
Proviso, when liquor tax paid.

SEC. 3. The township board shall meet on some day prior to the first Monday of May, subsequent to the filing of said applications for the purpose of hearing said applications and shall give written notice of the time when and the place where the meeting shall be held to all persons who have applied for the licenses aforesaid. Said board shall not grant licenses for the sale of the liquors specified in section one of this act at a place at which liquors have not been sold for thirty days prior to the making of the aforesaid application if sixty per cent of the persons owning land within one mile of the proposed location for the sale of liquors, shall protest over their signatures against the granting of said license. In the determination of the distances aforesaid, the distance Applications, time of hearing.  
License, granting of, for certain places.

shall be measured in a straight line from the nearest point of the premises of the person protesting against said license to the portion of the building in which the applicant proposes to sell liquor, nearest the premises of the protestant.

Penalty for violation.

SEC. 4. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than twenty dollars or not more than one hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 700.]

AN ACT to organize the union school district of the township of Presque Isle, in the county of Presque Isle.

*The People of the State of Michigan enact:*

To be body corporate, territory, name of, etc.

SECTION 1. The territory comprising the township of Presque Isle, in Presque Isle county, shall constitute a single school district. Such school district shall be a body corporate by the name and style of the "Union School District of the Township of Presque Isle," and shall possess the usual powers of corporations for public purposes, and in that name may sue and be sued and purchase, acquire hold and dispose of such real and personal property as is authorized to be purchased or acquired by graded schools of this State.

Succeed to property rights of primary district.

SEC. 2. Said union school district shall succeed to all the property rights of said primary school district, including all delinquent taxes belonging thereto and may have and take all means for collection thereof which said primary districts might have taken, if this act had not been passed.

Liable for debts of primary district.

SEC. 3. Said union school district shall be liable for all the debts of said primary school districts, existing at the time of the organization of said union school district under this act.

Board of control, of whom to consist, duties, etc.

SEC. 4. The control and management of said union school district and its schools shall be vested in a board consisting of a director, moderator and assessor, each of whom shall have the same right and duties as by law are given to such officers in primary school districts. Such officers shall perform all of the duties not prescribed by law for the board of school inspectors of said township; no school inspectors shall hereafter be elected in said township and such officers shall receive the same amount from time to time for their services as provided for by the primary school law of the State.



SEC. 5. The annual meeting of said union school district shall be held on the second Monday of July, and at such hour and place as shall be designated by said board; and such business shall then be transacted as by law may be transacted at the annual meeting of primary school districts; notice of the time and place of holding such meeting shall be given by the director, by posting the same in three public places at least ten days before each meeting.

Annual  
meeting,  
when held.

SEC. 6. The first meeting of said union school district shall be held at the hour of noon on the second Monday in July, nineteen hundred seven, at the place of holding the annual township meeting, in said township of Presque Isle in April, nineteen hundred seven, and there shall then be elected one director who shall hold his office until the second Monday of July, nineteen hundred eight; one moderator, who shall hold his office until the second Monday in July, nineteen hundred nine; and one assessor who shall hold his office until the second Monday in July, nineteen hundred ten. The electors present shall elect a chairman and clerk, who shall conduct such first meeting and keep a record thereof and turn the same over to the director elected at such meeting. The subsequent term of said officers shall be three years each.

First meeting,  
election of  
officers.

SEC. 7. The said board shall establish and maintain schools at such places within said district as are or may become centers of population, and may construct, fix up and determine sites therefor, and when authorized by a majority vote of the qualified electors at any annual meeting, may purchase or lease such sites and build school houses thereon. Such schools shall be taught by legally qualified teachers in such branches and for the same number of months each year as the law requires in case of primary schools; the census and reports of said district shall be taken and made the same as in primary districts.

Schools,  
establishing of.

Teaching.

Census.

SEC. 8. Said board shall establish and maintain a school library of which the director shall be the librarian and all library money belonging to said township of Presque Isle shall be used for the maintenance of said library.

Library.

SEC. 9. In all things not herein otherwise provided for, said union school district for the township of Presque Isle and its officers, shall be governed by the primary school law of this State.

Law  
governing.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 701.]

AN ACT to exempt a certain portion of the territory included within the corporate limits of the village of East Grand Rapids, Kent county, from the operation of the provisions of law relative to the condemnation of lands for the right of way for railroad, bridge and tunnel companies.

*The People of the State of Michigan enact:*

Territory  
exempt from  
condemnation  
for railroad,  
etc.

SECTION 1. That portion of the territory included within the corporate limits of the village of East Grand Rapids, Kent county, which lies west and north of Reeds Lake, between Robinson Road and Clinton Road, on sections twenty-eight and thirty-three, of the township of Grand Rapids, Kent county, Michigan, is hereby exempted from the operation of the provisions of section seventeen of article two of act number one hundred ninety-eight of the session laws of eighteen hundred seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad, bridge and tunnel companies and to regulate the running and management and to fix the duties and liabilities of all railroad, bridge, tunnel and other corporations owning or operating any railroad, bridge or tunnel within this State," being section six thousand two hundred forty-two of the Compiled Laws of eighteen hundred ninety-seven, and all such subsequent sections of said act as provide for the condemnation of the right of way for such companies.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 702.]

AN ACT to provide for the election of county drain commissioner in the county of Bay, and to fix his compensation.

*The People of the State of Michigan enact:*

County  
drain com-  
missioner,  
election of.

SECTION 1. At the regular biennial election to be held on the Tuesday succeeding the first Monday in November, nineteen hundred eight, and each two years thereafter, there shall be elected in the county of Bay, by the qualified electors thereof, on the same ticket as the other county officers, a county drain commissioner, and the party candidates for such office shall be nominated at the same time and in the same manner as other county officers. In case of a vacancy in the office of county drain commissioner, for any cause, it shall be

Vacancy, how  
filled.

filled by appointment by the judge of probate, county clerk and prosecuting attorney.

SEC. 2. The term of office of such county drain commissioner shall begin on the first day of January following his election and continue for two years. Term of office.

SEC. 3. Such county drain commissioner, whether elected or appointed to fill a vacancy, before entering upon the duties of his office shall take and file with the county clerk the constitutional oath of office and shall also file a bond in the penal sum of ten thousand dollars, conditioned on the faithful discharge of the duties of his office, which bond shall be approved, before filing, by the board of supervisors, or the county clerk of said county. Take oath and give bond, amount.

SEC. 4. The said county drain commissioner, in lieu of the fees heretofore allowed by law shall receive a salary of one thousand dollars and traveling expenses not exceeding three hundred dollars per annum, to be paid out of the general fund of said county. Salary and expenses.

SEC. 5. It shall be the duty of the county clerk of said county to make report to the Secretary of State of the election of county drain commissioner as in the case of other county officers. Election of, reported to secretary of state.

SEC. 6. To fill the vacancy in said office from December thirty-first, nineteen hundred seven, to January first, nineteen hundred nine, the board of supervisors of Bay county shall, at its regular October session in nineteen hundred seven, appoint a county drain commissioner who shall hold his office until the first county drain commissioner is elected under this act and qualifies and takes his office, which said appointee shall take the same oath of office, file the same bond, perform the same duties and receive the same compensation as is provided for the county drain commissioner to be elected under this act. Vacancy, how filled, during certain period.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 703.]

AN ACT to authorize the construction of a drain in either Iosco or Arenac county, or both, so as to deflect the course of the East Branch of the Au Gres river into Saginaw Bay.

*The People of the State of Michigan enact:*

SECTION 1. The proper authorities of the county of Iosco or Arenac, or of both acting conjointly, are hereby authorized to lay out and construct a ditch or drain, by and along the Construction of drain, authorized.

most practicable route in either or both counties, as the case may be, of sufficient width and depth to collect, convey and discharge all the waters of the East Branch of the Au Gres river in Saginaw Bay.

Law governing  
proceedings,  
etc.

SEC. 2. All the proceedings necessary to the laying out, construction, care and maintenance of said ditch or drain shall be taken and conducted under the provisions of the general drain law of the State, as nearly as the same may be made practicable; and the boards of supervisors of said counties are hereby authorized to make any special provisions that may be necessary to the proper execution of the work.

Drain, how  
treated, etc.

SEC. 3. Said ditch or drain, when so laid out and constructed, shall thereafter be deemed and treated as the regular and lawful channel and course of the said East Branch of the Au Gres river, to all intents and purposes, the same as the original and natural channel and course of said stream have heretofore been considered.

This act is ordered to take immediate effect.

Approved June 27, 1907.

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[No. 704.]

AN ACT to repeal act number five hundred fifty of the local acts of nineteen hundred five, entitled "An act to divide the township of Bedford, in the county of Monroe, into two election districts."

*The People of the State of Michigan enact:*

Act repealed.

SECTION 1. Act number five hundred fifty of the local acts of nineteen hundred five, entitled "An act to divide the township of Bedford, in the county of Monroe, into two election districts," is hereby repealed.

This act is ordered to take immediate effect.

Approved June 27, 1907.

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[No. 705.]

AN ACT to authorize the township board of South Branch township, in Crawford county, to invest not to exceed seven thousand dollars of the contingent fund of said township in approved interest bearing securities.

*The People of the State of Michigan enact:*

Investments,  
how made.

SECTION 1. The township board of the township of South Branch, in Crawford county, is hereby authorized in its discretion to invest, in the name and in behalf of said town-

ship, not to exceed seven thousand dollars out of the surplus moneys in the contingent fund of said township, in bonds of the United States, or of the State of Michigan, or of any county, city, village or township in the State of Michigan, or in debentures issued by any lawfully authorized trust company incorporated in the State of Michigan, and to reinvest the same from time to time, as necessity may require and as may be deemed advisable. The interest, increase and profits arising from every such investment or reinvestment shall be paid in to the contingent fund of said township, to become a part thereof and to be applied and expended as provided by law for said fund.

SEC. 2. The said township board shall act as the agent of said township in all the transactions authorized by the provisions of this act, both in the making of all necessary contracts, the paying out of moneys, the receiving of payments of principal and interest and the safe keeping of all bonds or debentures belonging to said township. Township board to be agent.

SEC. 3. Said township board shall make a detailed and itemized report, at each successive annual township meeting, of all of its transactions under the provisions of this act, the nature and terms of each investment or reinvestment, and every receipt of principal or interest paid on account thereof, and the disposition of the same. To make annual report.

A default is ordered to take immediate effect.  
acts. 27 1907.

SEC. 7. It is hereby provided that  
construct

[No. 706.]

AN ACT to provide for the payment of salaries to the sheriff, under-sheriff, clerk, treasurer, prosecuting attorney, register of deeds, the deputies of said officers and the coroners of Bay county, State of Michigan, and to provide for the collection of all fees, and payment of the same to the county treasurer.

*The People of the State of Michigan enact:*

SECTION 1. The board of supervisors of Bay county, Michigan, shall pay to the sheriff, under-sheriff, county clerk, county treasurer, prosecuting attorney, register of deeds, and coroners out of the county treasury, such annual salary as is hereinafter provided. The deputies of said named officers shall receive such salaries as shall be fixed and determined by said board at its annual meeting in October, nineteen hundred eight and at every October meeting thereafter, immediately prior to the general November election, at which such officers are elected, and the said salaries when so fixed Salaries, when and by whom determined.

shall not go into effect until the first day of the new year thereafter, and such compensation shall be in full for all services for which the county may be liable and in lieu of all fees which are fixed by law, or otherwise.

Fees,  
collection,  
etc.

SEC. 2. The sheriff, under-sheriff and deputy sheriffs who receive a salary shall collect and make itemized statements of all fees required by law for the service of any process other than that of the county, which said fees shall be paid by them when collected to the county treasurer on or before the last day of each month, taking duplicate receipts therefor. The county treasurer, county clerk, register of deeds, and coroners shall collect all fees required by law and make out an itemized statement of the same and pay the same to the county treasurer on or before the last day of each month, taking duplicate receipts therefor.

Salaries.

SEC. 3. The annual salary, as provided by this act shall be three thousand five hundred dollars for the sheriff, for under-sheriff, twelve hundred dollars, for additional deputy sheriffs, such compensation as the board of supervisors may provide, for the county treasurer, three thousand five hundred dollars, for county clerk, three thousand dollars: *Provided*, That he shall be the clerk of all the county boards without extra compensation; for prosecuting attorney, two thousand five hundred dollars, for register of deeds, three thousand dollars, for coroners, six hundred dollars and for the deputies of the county treasurer, one hundred fifty of the cutting attorney and register of deeds, entitled "An act to

Proviso,  
as to clerk.

How paid, etc.

the board of supervisors may provide. The salaries of Monroe, said shall be paid monthly by the county treasurer, upon a warrant issued by the county clerk, but not until an itemized statement of all fees collected and paid over to the county treasurer, as aforesaid, has been sworn to and filed with the county treasurer and duplicate of the receipt thereof filed with the county clerk.

Moneys,  
how credited.

SEC. 4. All money received by the county treasurer by virtue of this act shall be credited to the general fund of the county.

Under sheriff,  
appointment  
of.

Care of  
prisoners, by  
whom  
contracted.

Proviso,  
amount paid,  
limited.

Proviso as to  
certain  
supplies.

Claims,  
allowance,  
etc., of.

SEC. 5. The sheriff shall appoint one under-sheriff and may, in his discretion, appoint such deputy sheriffs as may be provided for by the board of supervisors. The board of supervisors is also hereby empowered to make contracts with the sheriff for the board and laundry of the prisoners lodged in the county jail: *Provided*, That the amount paid for care of prisoners shall not exceed fifteen cents per meal for meals actually eaten by prisoners while in custody of said sheriff, and such payment shall be in full for all services rendered such prisoners: *Provided*, That the board of county auditors shall provide for all printing, stationery, postage, purchase of books, records and other papers and things necessary for the public service; and said board is hereby empowered to hear, determine and allow the claims of the sheriff and his deputies and under sheriff, who receive a salary by virtue

of this act, for any money actually expended by them in pursuance of their official duties, the same as other claims against the county.

SEC. 6. In times of emergency the sheriff, upon the order of the circuit court for the county of Bay, made upon the petition of the sheriff or prosecuting attorney of said county, showing the necessity therefor, may appoint for such day or days as may be required, one or more additional deputies, who, for services actually rendered, shall receive the sum of two dollars per day and actual expenses, and no other compensation whatever. Upon completion of his service each deputy so appointed shall make and file with the county treasurer a full and detailed report, including his actual expense account, duly verified, of service rendered and official acts performed during the period of service, of all moneys received in fees, mileage, perquisites, and emoluments on account of such appointment, and at the same time shall pay over to the county treasurer all moneys so received, which shall thereupon become the money of Bay county. The sheriff may also appoint deputy sheriffs to protect private interests, who shall receive no compensation from Bay county for services on account of such appointment. Said deputies so appointed may be required by the board of supervisors to file a detailed statement with the county clerk of all their official acts.

Deputies,  
appointment  
of, compen-  
sation, etc.

File report,  
what to  
contain, etc.

SEC. 7. It is hereby provided that this act shall be so construed as to require the sheriff, under sheriff and deputy sheriffs to perform all reasonable services within the jurisdiction of their offices for which the county may be liable and to serve and execute all civil writs and processes that may be reasonably served and executed by said officers under salary. And it is further provided that if the board of supervisors shall fail or neglect to fix and determine the salary or manner and amount of compensation of said additional deputy sheriffs, if any are appointed, then said additional deputy sheriffs shall receive such fees and perquisites for services performed by them as is provided by law, and if said services are performed in behalf of the county the claim therefor shall be audited and allowed by the board of county auditors, and if it shall appear to said board of county auditors that the services rendered in behalf of the county by any deputy sheriff not under salary could have been reasonably performed by officers under salary, or if it shall appear that any deputy sheriff not under salary has served and executed civil writs and processes that might reasonably have been served and executed by said officers under salary, then it shall be the duty of said board of county auditors to set off against any claims presented to it for allowance by the sheriff of Bay county, any claim or claims allowed to any deputy sheriff not under salary for services in behalf of the county which might have been reasonably performed by officers under salary; also, the amount of such fees and perquisites for the services

Act, how  
construed.

Salaries,  
how deter-  
mined in  
certain  
cases.

shall not go into effect until the first day of the new year thereafter, and such compensation shall be in full for all services for which the county may be liable and in lieu of all fees which are fixed by law, or otherwise.

Fees,  
collection,  
etc.

SEC. 2. The sheriff, under-sheriff and deputy sheriffs who receive a salary shall collect and make itemized statements of all fees required by law for the service of any process other than that of the county, which said fees shall be paid by them when collected to the county treasurer on or before the last day of each month, taking duplicate receipts therefor. The county treasurer, county clerk, register of deeds, and coroners shall collect all fees required by law and make out an itemized statement of the same and pay the same to the county treasurer on or before the last day of each month, taking duplicate receipts therefor.

Salaries.

Proviso,  
as to clerk.

SEC. 3. The annual salary, as provided by this act shall be three thousand five hundred dollars for the sheriff, for under-sheriff, twelve hundred dollars, for additional deputy sheriffs, such compensation as the board of supervisors may provide, for the county treasurer, three thousand five hundred dollars, for county clerk, three thousand dollars: *Provided*, That he shall be the clerk of all the county boards without extra compensation; for prosecuting attorney, two thousand five hundred dollars, for register of deeds, three thousand dollars, for coroners, six hundred dollars and for the deputies of the county treasurer five hundred fifty of the prosecuting attorney and register of deeds, entitled "An act to the board of supervisors may provide. The salary of Monroe said shall be paid monthly by the county treasurer, upon a warrant issued by the county clerk, but not until an itemized statement of all fees collected and paid over to the county treasurer, as aforesaid, has been sworn to and filed with the county treasurer and duplicate of the receipt thereof filed with the county clerk.

How paid, etc.

Moneys,  
how credited.

SEC. 4. All money received by the county treasurer by virtue of this act shall be credited to the general fund of the county.

Under sheriff,  
appointment  
of.  
Care of  
prisoners, by  
whom  
contracted.

Proviso,  
amount paid,  
limited.

Proviso as to  
certain  
supplies.

Claims,  
allowance,  
etc., of.

SEC. 5. The sheriff shall appoint one under-sheriff and may, in his discretion, appoint such deputy sheriffs as may be provided for by the board of supervisors. The board of supervisors is also hereby empowered to make contracts with the sheriff for the board and laundry of the prisoners lodged in the county jail: *Provided*, That the amount paid for care of prisoners shall not exceed fifteen cents per meal for meals actually eaten by prisoners while in custody of said sheriff, and such payment shall be in full for all services rendered such prisoners: *Provided*, That the board of county auditors shall provide for all printing, stationery, postage, purchase of books, records and other papers and things necessary for the public service; and said board is hereby empowered to hear, determine and allow the claims of the sheriff and his deputies and under sheriff, who receive a salary by virtue



of this act, for any money actually expended by them in pursuance of their official duties, the same as other claims against the county.

SEC. 6. In times of emergency the sheriff, upon the order of the circuit court for the county of Bay, made upon the petition of the sheriff or prosecuting attorney of said county, showing the necessity therefor, may appoint for such day or days as may be required, one or more additional deputies, who, for services actually rendered, shall receive the sum of two dollars per day and actual expenses, and no other compensation whatever. Upon completion of his service each deputy so appointed shall make and file with the county treasurer a full and detailed report, including his actual expense account, duly verified, of service rendered and official acts performed during the period of service, of all moneys received in fees, mileage, perquisites, and emoluments on account of such appointment, and at the same time shall pay over to the county treasurer all moneys so received, which shall thereupon become the money of Bay county. The sheriff may also appoint deputy sheriffs to protect private interests, who shall receive no compensation from Bay county for services on account of such appointment. Said deputies so appointed may be required by the board of supervisors to file a detailed statement with the county clerk of all their official acts.

Deputies,  
appointment  
of, compen-  
sation, etc.

File report,  
what to  
contain, etc.

SEC. 7. It is hereby provided that this act shall be so construed as to require the sheriff, under sheriff and deputy sheriffs to perform all reasonable services within the jurisdiction of their offices for which the county may be liable and to serve and execute all civil writs and processes that may be reasonably served and executed by said officers under salary. And it is further provided that if the board of supervisors shall fail or neglect to fix and determine the salary or manner and amount of compensation of said additional deputy sheriffs, if any are appointed, then said additional deputy sheriffs shall receive such fees and perquisites for services performed by them as is provided by law, and if said services are performed in behalf of the county the claim therefor shall be audited and allowed by the board of county auditors, and if it shall appear to said board of county auditors that the services rendered in behalf of the county by any deputy sheriff not under salary could have been reasonably performed by officers under salary, or if it shall appear that any deputy sheriff not under salary has served and executed civil writs and processes that might reasonably have been served and executed by said officers under salary, then it shall be the duty of said board of county auditors to set off against any claims presented to it for allowance by the sheriff of Bay county, any claim or claims allowed to any deputy sheriff not under salary for services in behalf of the county which might have been reasonably performed by officers under salary; also, the amount of such fees and perquisites for the services

Act, how  
construed.

Salaries,  
how deter-  
mined in  
certain  
cases.

of civil writs and processes that might have been reasonably served and executed by officers under salary. And the said board of county auditors is hereby empowered to be the sole judge of such services as might be reasonably performed by said officers under salary, and from its decisions there shall be no appeal.

Penalty for neglect of duty.

SEC. 8. If any of the aforesaid officers or their deputies shall fail to comply with the provisions of this act, they shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

Salaries, when to begin.

SEC. 9. It is hereby provided that the salaries mentioned in this act shall begin on the first day of January, nineteen hundred nine.

Approved June 27, 1907.

[No. 707.]

AN ACT to regulate the making of special assessments within the limits of the villages of Highland Park, St. Clair Heights, Hamtramck and River Rouge, in the county of Wayne.

*The People of the State of Michigan enact:*

Special assessments, division and collection of, etc.

SECTION 1. Whenever, under the provisions of the general village law or any special act, a special assessment may be made to pay for the cost, or a part of the cost of any public improvement within the limits of the villages of Highland Park, St. Clair Heights, Hamtramck and River Rouge, the amount of such special assessment may, upon the confirmation thereof, be divided into not more than five equal installments, one of which shall be collected each year at such times as the council shall determine, with annual interest at the rate not exceeding six per cent per annum, but the whole assessment after confirmation may be paid to the village treasurer at any time in full with the proportionate interest thereon.

When payable upon confirmation.

SEC. 2. All special assessments unless divided into installments, and each installment of all special assessments so divided shall be due and payable upon confirmation.

Special assessment roll made for each installment.

SEC. 3. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due with the accrued interest upon all unpaid installments included and assessed therein. Such special assessment rolls for the collection of

installments may be made and confirmed without notice to the persons assessed or interested.

SEC. 4. Any special assessment, when made in one part and when divided into installments, the aggregate of such installments, exclusive of interest, levied against any one lot or premises, may equal but shall not exceed twenty-five per cent of the value of such lot or premises as valued and assessed in the last preceding general village tax roll.

Installments limited as to value of premises.

SEC. 5. Special assessment when made in one part, and when divided into installments, no installment thereof, exclusive of interest, shall exceed five per cent of the value of the district as valued and assessed in the last preceding general village tax roll.

As to value of district.

SEC. 6. When a special assessment is divided into installments, each installment shall be collected as a separate assessment and the same proceedings shall be had for its collection as is now provided under the general village law for the collection of special assessments.

Installments, how collected.

SEC. 7. The total of all special assessments or installments thereof that may be levied against a single lot or premises in any one year shall not exceed five per cent of the assessed value of said lot or premises as valued and assessed in the last preceding general tax roll: *Provided*, That assessments or installments of assessments for the purpose of paying for sewers and for the purpose of paying for street paving, neither of which exceeds the limitations fixed by sections five and six of this act, may be collected during the same year or years: And *Provided*, When private property is taken for public use and awards are made in compensation therefor and the amount of said awards and the expense of the proceedings, or any part thereof, are to be collected by a special assessment, such special assessment shall be collected independent of and shall form no part of the amount limited by the provisions of this act or the general village act to be collected against any one lot or premises by a single special assessment or the amount that may be levied in any one year either upon the district or upon a single lot or premises for one assessment, or the aggregate of all assessments, but may be in addition thereto.

Total assessments limited.

Proviso, collection of assessments for certain purposes.

Proviso as to private property taken for public use.

SEC. 9. The village council is authorized and empowered to issue bonds to the amount of any special assessment, or to the amount of the aggregate of all the installments of a special assessment, in anticipation of the collection thereof. Such bonds shall draw interest not exceeding six per cent per annum as the council may determine, and shall be payable out of the special assessment district fund when the assessment is collected. Such bonds shall be payable in two years, or less, as the council shall determine, from the time limited for the collection of the special assessment by the village treasurer. If the assessment is divided into installments, the bonds shall be apportioned against the amounts of the several installments as the council may determine, and shall severally

Bonds, amount of, council may issue, etc.

How and when payable.

Apportionment of, etc.

be payable in two years or less from the time limited for the collection of the several installments by the village treasurer. The assessment when collected shall be set apart into a separate fund for the payment of such bonds.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 708.]

AN ACT to amend section forty-five of chapter seven of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, and to repeal an act entitled "An act relative to the construction of buildings in the city of Detroit," approved May twenty-five, eighteen hundred ninety-nine.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section forty-five of chapter seven of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred eighty-three, is hereby amended to read as follows:

Repairing  
wooden  
buildings  
damaged by  
fire.  
Erection of  
buildings,  
signs, etc.

Construction  
of elevators,  
fire-escapes,  
etc.

Appointment  
of depart-  
ment of  
buildings  
commission,  
term of  
office, etc.

SEC. 45. The common council is authorized to prevent the building or repairing of wooden buildings on said street, alleys and places within said limits, when damaged by fire or otherwise; to regulate the erection, in the city of Detroit, of buildings, fences, billboards, signs and other structures, and to regulate the repair of and alteration in, and additions to buildings; to provide for the construction, regulation and placing of elevators, stairways, fire-escapes, and any other equipment in and upon buildings, and to provide for and regulate the size, the construction of, the placing of, the removal and repair of buildings, billboards, signs, and other structures, and to provide for the inspection of all buildings and structures, and to cause the destruction of any building or structure which is or may become unsafe or unsanitary; to appoint, upon the nomination of the mayor, a commission to be known as the department of buildings, consisting of four persons, nor [no] more than two of whom shall be members of the same political party, and to prescribe their powers and duties; one member of said board shall be appointed to hold office for one year, one member for two years, one member for three years, and one member for four years, and until their successors are appointed and qualified. The term of office of each member of the board after the termination of the aforesaid terms shall be four years and on the

expiration of any term a new appointment shall be made in the same manner as above prescribed, and all successors shall be appointed by the common council on the nomination of the mayor: *Provided*, That none of the powers, duties and rights of the board of health of the city of Detroit, by virtue of any general or local act, in so far as the preservation of the public health and sanitary matters are concerned, shall be in any way affected or curtailed by this act: *Provided further*, That act, entitled "An act relative to the construction of buildings in the city of Detroit," approved May twenty-five, eighteen hundred ninety-nine, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed: And *Provided further*, That the provisions of this act shall not be deemed to affect in any way the term of office of the present building inspectors within the city of Detroit.

Proviso as to  
board of  
health.

Further  
proviso,  
certain act  
repealed.

Further  
proviso as to  
building  
inspectors.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 709.]

AN ACT to submit to the electors of the village of North Branch, in the county of Lapeer, the question of incorporating said village as a city of the fourth class, and to incorporate the village of North Branch as a city of the fourth class in case a majority of the electors voting at the election to be held by virtue of this act shall vote in favor of so incorporating, and in case of so incorporating to repeal all acts or parts of acts relative to the incorporation of the village of North Branch, except the act of the legislature of A. D. nineteen hundred seven, relative to saloons within the corporate limits of the said village of North Branch.

*The People of the State of Michigan enact:*

SECTION 1. At the village election of the village of North Branch to be held in said village in March A. D. nineteen hundred eight, there shall be submitted to the electors of said village the question of incorporating as a city of the fourth class.

Question  
when  
submitted.

SEC. 2. The board of election commissioners of said village shall prepare suitable ballots to be used by the electors of said village on which shall be printed, "That the village of North Branch shall be incorporated as a city of the fourth class—Yes," "That the village of North Branch shall be incorporated as a city of the fourth class—No." One of which ballots shall be given to each elector voting at said election.

Ballot,  
form of.

Notice of election.

SEC. 3. The clerk of said village shall give notice of said election in the same manner as is provided by law for notice of special elections to be held in said village.

Votes, canvassing of, etc.

SEC. 4. Should a majority of the electors voting at said election vote in favor of so incorporating, the territory now included within the corporate limits of the village of North Branch shall be incorporated as a city of the fourth class and shall be known as the city of North Branch. The votes at said election shall be canvassed the same as at any election of said village and the inspectors of said election shall certify the result of said election to the Secretary of State and the county clerk of Lapeer county.

To comprise one ward, etc.

SEC. 5. Said city shall comprise one ward and shall have six aldermen elected therefrom.

Act governing, etc.

SEC. 6. The said city of North Branch shall, in all things not herein otherwise provided, be governed and its powers and duties defined and limited by an act, entitled "An act to provide for the incorporation of cities of the fourth class," being act number two hundred fifteen of the public acts of Michigan of eighteen hundred ninety-five, approved May twenty-seven, eighteen hundred ninety-five, and all acts amendatory thereof, which said act, as the same is now or hereafter may be amended, is hereby made and constituted a part of the charter of the said city of North Branch.

Village officers to be city officers.

SEC. 7. The officers of the village of North Branch; at the time this act shall take effect, shall also be the officers of the city of North Branch, until their successors are elected and qualified, that is to say: The president of said village shall be the mayor of said city; the clerk, treasurer and assessor of said village shall be the clerk, treasurer and supervisor of said city; the members of the board of trustees of said village shall be the council of said city, the village attorney, marshal, street commissioner and health officer of said village shall be respectively the city attorney, marshal, street commissioner and health officer of said city and shall perform the duties of their respective offices and be governed by the provisions of said act number two hundred fifteen of the public acts of eighteen hundred ninety-five and the amendments thereto, except in so far as the same may be inconsistent with the provisions of this act, the same as if the city was incorporated in the manner provided in said act.

Election, when held.

SEC. 8. All elective officers of said city shall be elected on the first Monday of April, nineteen hundred eight. The council is hereby authorized to make full provision for the registration of electors, and for holding said election under said act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and the amendments thereto, in said city.

Justices of peace, when to take office.

SEC. 9. The justices of the peace who shall be elected at the first election held in the city of North Branch, under this act shall enter upon the duties of their respective offices

immediately upon filing their bonds with the county clerk and otherwise qualifying for the said offices.

SEC. 10. The supervisor and two qualified freeholders and electors of the city, to be annually appointed by the council shall constitute a board of review of assessments. Board of review.

SEC. 11. The mayor, aldermen and all other city officers shall receive such compensation as may be fixed by ordinance or resolution of the council of said city, and in case the council of said city fails to fix said compensation by ordinance or resolution the mayor and aldermen of said city shall serve without compensation. Compensation.

SEC. 12. All rights of action, demands, credits, choses in action and property of whatsoever nature or name, belonging to or existing in favor of said village of North Branch, shall hereafter remain and be the debt, demands, property and rights of action and choses in action of the said city of North Branch, and it shall have all the right and authority to enforce the same that was possessed by the village of North Branch. And all debts, demands and rights of action not [now] existing against the said village of North Branch shall be assumed by said city of North Branch, and shall hereafter become and remain debts, demands and rights of action against the said city of North Branch. Property, etc., of village to be property, etc., of city.

SEC. 13. The ordinances, rules and regulations of the village of North Branch not inconsistent with the provisions of this act, are hereby continued in full force and effect until legally amended or repealed by the proper authorities of said city. Village ordinances, etc., to continue in force.

SEC. 14. The incorporation of the said city of North Branch shall in no way change or affect the boundaries or [of] fractional school district number two of the township of North Branch, but the same shall continue as heretofore, and no change shall be made in the manner or time of electing the district officers of said school district, or in the management or control of said district, except that the taxes voted for school purposes in said district shall be apportioned at or before the time of meeting of the board of supervisors of Lapeer county in annual session, in October in each year, by the supervisor of the city of North Branch and the supervisor of the township of North Branch. Boundaries, etc., not affected.  
School taxes, apportionment of.

SEC. 15. The city of North Branch shall comprise a single assessment district and assessments of property and spreading of taxes shall be made thereon by a city supervisor at large, who shall be elected at the regular city election, excepting that the first supervisor shall be elected as herein provided at the first election held in said city. The said supervisor shall hold his office for one year and until his successor shall be elected and qualified, and shall be a member of the board of supervisors of said county of Lapeer, and as a member of such board he shall be entitled to receive the compensation as other supervisors for attendance on said board, and he shall have all the rights, privileges and powers Supervisor, when elected, term of office, compensation, etc.

of the other members of said board of supervisors, and no other supervisor shall be elected in said city.

Board of  
public works,  
when may be  
created.

SEC. 16. It shall not be necessary for the city of North Branch to create and constitute a board of public works as provided in chapter twenty-eight of act number two hundred fifteen of the public acts of eighteen hundred ninety-five and the amendments thereto, unless the council of said city shall so determine by a two-thirds vote of all the aldermen elect. Until such board of public works is established, all the duties of said board of public works shall be performed by the council of said city. Whenever the council of said city shall, by a two-thirds vote of all the aldermen elect, determine to create and constitute a board of public works, the provisions of chapter twenty-eight, of act number two hundred fifteen of the public acts of eighteen hundred ninety-five, and the amendments thereto shall be in full force and effect, in said city.

When council  
to perform  
duties of.  
Law  
governing.

Adjustment  
of liabilities  
between city  
and town-  
ship.

SEC. 17. The rights and liabilities, as between the city of North Branch and the township of North Branch, shall be adjusted according to the provisions of act number thirty-eight of the public acts of eighteen hundred eighty-three, entitled "An act to provide for adjustment of rights and liabilities on division of territory of cities and townships" and any liability accruing to the city of North Branch, by reason of the detachment of the territory from said township of North Branch, shall be paid from a tax levied upon the territory in the city by reason of whose detachment the liability was incurred.

Acts  
repealed.

SEC. 18. All acts or parts of acts relative to the incorporation of the village of North Branch, except the act of the legislature of nineteen hundred seven relative to saloons within the corporate limits of the village of North Branch, are hereby repealed. Said act in relation to saloons within the corporate limits is hereby made and constituted a part of the charter of the said city of North Branch.

Approved June 27, 1907.

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[No. 710.]

AN ACT to provide a salary for the county surveyor for Wayne county.

*The People of the State of Michigan enact:*

Salary, when  
and how  
paid.

SECTION 1. The county surveyor of Wayne county and his successors in office hereafter shall receive five dollars per day not to exceed two days of each week to be paid monthly out of any money in the county treasury, commencing on the first day of January, nineteen hundred eight, which shall



be in full compensation for the services performed by him in connection with said office. He shall appoint such deputy or deputies to assist him in his duties as he may deem necessary, said deputies to be paid only for actual time they may work and at a rate not to exceed four dollars per day out of any money in the county treasury.

Deputy,  
appointment  
of, com-  
pensation.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 711.]

AN ACT to prevent the selling or giving away of intoxicating liquors within a distance of one mile from White's Lake in the township of Kalamazoo, Kalamazoo county, Michigan.

*The People of the State of Michigan enact:*

SECTION 1. It shall be unlawful for any person or persons, directly or indirectly, either in person or by clerk, agent or employe, to sell, keep for sale, give away or furnish to any person or persons, whomsoever, any vinous, malt, brewed, fermented, spirituous or intoxicating liquors, or any mixed liquor or beverage, any part of which is intoxicating, or to keep a saloon or other place where any such liquors are sold, stored for sale, given away or furnished, within a distance of one mile from the body of water in the township of Kalamazoo, county of Kalamazoo, in this State, known as White's lake.

Liquors, sale,  
etc., of, un-  
lawful.

SEC. 2. Any person, who, himself, or by his clerk, servant, agent or employe, shall violate any of the provisions of this act shall, for the first offense, be deemed guilty of a misdemeanor, and upon conviction therefor, be sentenced to pay a fine of not less than fifty dollars nor more than two hundred dollars and the costs of the prosecution, or to be imprisoned in the county jail not less than forty days nor more than six months, in the discretion of the court. For a second, and every subsequent offense so committed, he shall be deemed guilty of a felony, and upon conviction thereof in any court of competent jurisdiction, be sentenced to pay a fine of not less than one hundred dollars nor more than six hundred dollars, or to be confined in State prison for a term not less than ninety days nor more than two years, in the discretion of the court.

Penalty for  
first offense.

For second  
offense.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 712.]

AN ACT to provide for the nomination of candidates for the election of judge of probate and all county officers of Midland, St. Clair and Bay counties and of all legislative officers whose districts are wholly confined within the boundaries of each of said counties of all political parties by popular vote and relating to primary elections in Midland, St. Clair and Bay counties and to repeal all acts or parts of acts inconsistent therewith.

*The People of the State of Michigan enact:*

Primaries,  
holding of.

SECTION 1. Nominations of the judge of probate and all elective county officers of Midland, St. Clair and Bay counties, and all legislative officers whose districts are wholly confined within the boundaries of each of said counties, of all political parties, shall hereafter be made by the direct vote of the qualified voters of such political parties in the counties of Midland, St. Clair and Bay, and in all the legislative districts where the boundaries of said districts are wholly confined within the counties of Midland, St. Clair and Bay. The primaries at which such nominations are made shall be held by all political parties on the same day and place and at the same time.

Enrollment of  
voters.

SEC. 2. At any time that the board of registration is in session, any voter of said county may enroll as provided by the provisions of chapter two of act number one hundred eighty-one of the public acts of nineteen hundred five: *Provided, however,* That no voter shall be entitled to vote at any primary election held on the same day of his enrollment, except as provided in section seven of chapter two of act number one hundred eighty-one of the public acts of nineteen hundred five: *Provided further,* All enrolled voters shall be entitled to vote at all primaries held after the date of enrollment.

Proviso,  
when voter  
not entitled  
to vote.

Further  
proviso.

Law governing  
primaries.

SEC. 3. All such primary elections shall be held in accordance with and subject to all the provisions of act number one hundred eighty-one of the public acts of nineteen hundred five, and all amendments now or hereafter made thereto, except such portions of said act as are inconsistent with the provisions of this act.

Repealing  
clause.

SEC. 4. All acts or parts of acts in anywise contravening this act are hereby repealed, except as provided in section three of this act.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 713.]

AN ACT to establish a board of police commissioners for the city of Wyandotte, and to prescribe its powers and duties.

*The People of the State of Michigan enact:*

SECTION 1. On the first Monday of May in the year nineteen hundred seven, or as soon thereafter as may be, the mayor of the city of Wyandotte shall appoint three suitable persons, electors of said city, who shall constitute a board of police commissioners for said city, one of whom shall be appointed for two years, one for four years and one for six years; and thereafter one shall, in like manner, be appointed every two years to hold office for the term of six years. Said board, or a majority thereof, shall, after having taken the oath of office as provided by law, have full power to try and determine all complaints against the marshal or any policeman or watchman of said city and to remove them or any of them summarily, or on conviction for insubordination, neglect of duty, or violation of any ordinance, rule or regulations, or violation of any law of the State or city. The city clerk shall be the clerk of said board, and shall keep the records thereof. Said commissioners shall receive no compensation. In case any vacancy occurs, the mayor shall, in the same manner, appoint some person to fill the unexpired portion of the term.

Appointment of, term of office.

Powers and duties of, etc.

SEC. 2. Said board, when convened for the purposes mentioned in the preceding section, shall be vested with the full power to subpoena witnesses, issue warrants, compel the attendance of witnesses, administer oaths, take and record testimony, and do such other acts as may be lawful to be done by any court for the purposes mentioned in said section.

To subpoena witnesses, issue warrants, etc.

SEC. 3. The said board of police commissioners shall have power to appoint a city marshal, and such other officers and policemen and watchmen, with pay, and such number of policemen and watchmen, without pay, as the said board shall deem expedient: *Provided*, That no greater number of policemen or watchmen, with pay, shall be appointed than shall be authorized by the common council, and the expenses therefor provided. In time of special emergency or apprehended danger from riots or other cause, said board, or a majority thereof, may appoint as many patrolmen with or without compensation as they may deem expedient; said board shall have charge and supervision of the city jail, and make such rules and orders concerning the regulation of said jail as they may deem necessary and proper. The marshal shall be the chief of police of the city, subject to the direction of the said board of police commissioners. As peace officer, he shall

To appoint policemen, etc.

Proviso as to number of appointees.

Have charge of city jail.

be vested with all the powers of sheriff for the preservation of quiet and good order.

To control  
police force,  
public  
property, etc.

SEC. 4. Said board shall assume and exercise the entire control of the police force of said city. It shall have the custody and control of all public property, books, records, and equipments belonging to the police, and shall have power to erect and maintain all such lines of telegraph or telephone in such places within said city as for the purposes of police protection the board shall deem necessary, whenever the common council shall authorize the establishment of said telegraph or telephone line or lines, and provide for the costs thereof.

Members of  
police force,  
to file oath,  
powers of.

SEC. 5. Any member of the police force appointed by said board shall, before entering upon the duties of his office, make and file with the city clerk, the official oath required by law. After filing said oath, the marshal and policemen so appointed shall possess all the powers of constables, within the limits of said city. They shall have the power therein to serve any warrant, order or process whatsoever issued or directed by any justice of the peace, judge, court or officer of the State of Michigan, in the execution of the law of this State for the prevention of crime and the punishment of offenders against the police laws and regulations of the city or State.

Duties of  
board and  
police.

SEC. 6. It shall be the duty of said board, and of the police force, hereby constituted, at all times of the day and night, within the boundaries of said city, to preserve the public peace, to prevent crimes and to arrest offenders, pursue and arrest any person fleeing from justice in any part of the State; to make complaint to the proper officer or magistrate of any person known or believed by them to be guilty of the violation of the ordinances of the city or of the penal laws of the State; to guard the public health, to enforce all the laws of the State, and all ordinances, orders and resolutions of the common council of said city.

Board to  
determine  
salaries, etc.,  
make annual  
report.

SEC. 7. Said board shall determine the salaries and define the duties of said marshal, policemen and watchmen, and the said board shall, during the month of April in each year, make and deliver to the common council of said city, an estimate and report of the amounts necessary for the entire support of said police department, including pay for marshal, policemen and watchmen, which such sums so reported, the council shall cause to be provided for in their annual appropriation bill, which said sums shall be placed in a fund to be known as the police fund.

Mayor may  
remove mem-  
bers of board.

SEC. 8. The mayor shall have power to remove any member of the board from office for neglect of duty, misconduct or other sufficient cause.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 714.]

AN ACT to amend section three, to add a new section to be known as section three b, and amend sections one hundred one, two hundred and two hundred forty-one of act number five hundred fourteen of the local acts of nineteen hundred three, entitled "An act to annex the territory embraced within the city of West Bay City to that of Bay City, and to consolidate the city of West Bay City with the city of Bay City under the name of Bay City; to specify and fix the boundaries of the city; to consolidate the school system and the library systems of the said cities of West Bay City and Bay City; to provide for the assuming the payment of all the indebtedness and liabilities of the present cities of Bay City and West Bay City and their school and library systems and to provide for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Bay City, and repeal all acts and parts of acts inconsistent herewith," approved June eight, nineteen hundred three, and as amended by the several acts amendatory thereof.

*The People of the State of Michigan enact:*

SECTION 1. A new section to be known as section three b is hereby added to act number five hundred fourteen of the local acts of nineteen hundred three, entitled "An act to annex the territory embraced within the city of West Bay City to that of Bay City, and to consolidate the city of West Bay City with the city of Bay City under the name of Bay City; to specify and fix the boundaries of the city; to consolidate the school system and the library systems of the said cities of West Bay City and Bay City; to provide for the assuming and payment of all the indebtedness and liabilities of the present cities of Bay City and West Bay City and their school and library systems and to provide for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Bay City, and to repeal all acts and parts of acts inconsistent herewith;" approved June eight, nineteen hundred three, and as amended by the several acts amendatory thereof, and sections three, one hundred one, two hundred and two hundred forty-one of said act are hereby amended to read as follows:

Sections  
added and  
amended.

SEC. 3. The city shall be divided into nine wards bounded and described as follows:

Division of  
city into  
wards.  
First.

First, The first ward of said city shall embrace all that portion of said city lying southerly and easterly of the center line of the Saginaw river and north of the line commencing at a point where the center line of Third street intersects the

center of the Saginaw river, running thence east along the center line of Third street if extended to the city limits;

**Second.** Second, The second ward of said city shall embrace all that portion of said city lying between the center line of Third street extended to the eastern city limits and the center line of Sixth street extended to the eastern limits of said city and east of the center line of the Saginaw river to the eastern city limits;

**Third.** Third, The third ward of said city shall embrace all that part of said city bounded on the north by the center lines of Sixth street if extended westerly to the center line of Saginaw river and easterly to the city limits of said city, and on the south side by the center line of Eleventh street extended the center of the line of Saginaw river on the west, and the city limits on the east and lying between the center line of Saginaw river and the eastern limits of said city;

**Fourth.** Fourth, The fourth ward of said city shall embrace all that part of said city lying between the south line of said third ward to the line commencing at the intersection of the center line of Seventeenth street if produced with the center line of Saginaw river and running thence easterly along the said line of said Seventeenth street to the eastern limits of said city and lying between the center line of the Saginaw river to the easterly limits of said city;

**Fifth.** Fifth, The fifth ward of said city shall embrace all that part of said city lying between the south line of said fourth ward and the line commencing at a point where the center line of Twenty-seventh street if produced intersects the center line of the Saginaw river running thence east along the center line of Twenty-seventh street if extended, to the eastern city limits and bounded on the west by the center line of the Saginaw river and on the east by the eastern limits of said city;

**Sixth.** Sixth, The sixth ward of said city shall embrace all that part of said city lying south of the south line of said fifth ward and west to the center line of the Saginaw river;

**Seventh.** Seventh, The seventh ward of said city shall embrace all that part of said city lying south of the center line of Jenny street if extended from the center line of Saginaw river to the westerly limits of said city and west of the center line of said river, and for the purpose of determining the center line of said Saginaw river as the easterly line of said ward it shall be deemed and taken as the center line of the main channel of said Saginaw river;

**Eighth.** Eighth, The eighth ward of said city shall embrace all that part of said city lying between the north line of said seventh ward and the center line of Clara street if extended to the center line of Saginaw river, and extended westerly to the center of Wenona avenue thence northerly along the center line of Wenona avenue to north Union street thence westerly along the center line of north Union street if ex-

tended, to the city limits and lying between the center line of said Saginaw river and said westerly city limits;

Ninth, The ninth ward shall embrace all that part of said city lying north and northeasterly of the north line of said eighth ward and lying westerly of the center line of Saginaw river.

Sec. 3b. There shall be elected at the annual election to be held in said city on the first Monday of April, nineteen hundred eight, one alderman from each of the nine wards thereof, who shall hold their respective offices for a term of two years thereafter. The alderman and supervisors of the first, second, third, fourth, fifth and sixth wards of said city who were elected in nineteen hundred seven, and who respectively continue to be residents of the several wards from which they were respectively elected, as designated by number and boundaries in this act, shall continue to hold their respective offices for the full term for which they were elected; but in the seventh, eighth and ninth wards of said city, as herein designated by number and boundaries, all ward offices shall become and be vacant on the taking effect of this act. In case any alderman or supervisor who was elected in nineteen hundred seven shall not be a resident of the ward for which he was elected at the time this act goes into effect, as designated by number and boundaries herein, then the successor or successors of such aldermen and supervisors shall be elected for a term of one year at the annual election to be held in said city on the first Monday of April, nineteen hundred eight. There shall also be elected in each ward of said city at the annual election to be held therein on the first Monday of April, nineteen hundred eight, one constable for the term of one year. All such officers shall hold their respective offices until their successors are elected and qualified. Thereafter there shall be elected in each ward of said city at each annual election one alderman for the term of two years, to succeed the alderman whose term of office soonest expires, one supervisor for the term of one year and one constable for the term of one year. In case a vacancy occurs in the office of alderman, supervisor or constable in any ward in said city, the common council of said city shall fill such vacancy by appointment, such appointment to be made by a vote of a majority of all of the aldermen elect of said council: *Provided*, That this act shall go into effect on the first Monday of April, nineteen hundred eight: *Provided, further*, That the ward boundaries herein established shall be effective for the purpose of holding primary elections in said wards and making ward and other nominations for the annual election to be held in said city on the first Monday of April, nineteen hundred eight. The common council of said city shall divide said several wards into suitable voting precincts and shall make provision for such primary and other elections therein as may be, or is required to be held in said city, or

Ninth.

Election of aldermen, time of, and term.

Aldermen and supervisors in certain wards to continue in office.

Ward offices in certain wards to be vacated.

How change in boundaries affects aldermen.

Constables, election of, term.

Elections thereafter.

Vacancy in office how filled.

Proviso. Further proviso.

Voting precincts.

in any of the wards thereof, in manner provided by the charter of this city or the general election laws of the State.

Board of  
assessors,  
duties and  
liabilities.

SEC. 101. The members of the board of assessors shall discharge all the duties and be subject to all the liabilities in, for and to the city that are imposed upon supervisors of townships by the provisions of the general laws of this State, and by the provisions of the general tax laws in relation to the assessment and taxation of persons and property, so far as the same may be applicable, and except as herein otherwise provided. The board of assessors shall, in each year, in the manner provided in the general tax laws of this State, assess, at its true cash value, all the real and personal property subject to taxation within the limits of said city, and said board shall, before the time fixed for the first meeting of the board of review in each year, make out and complete the assessment roll, which shall be divided into separate books, one for each ward, to be provided for that purpose by the comptroller. If any lot, lots or other parcel of land shall lie partly in two or more wards, the same shall be assessed in the ward where the greater portion thereof shall be situated.

Assessment  
of property.

Property  
lying in two  
or more  
wards.

Supervisors of  
wards, powers  
and duties.

SEC. 200. The supervisor of each ward shall have and exercise within his ward all the powers, authority and functions of supervisors of the townships, as now provided or as may be hereafter provided by law, except as herein otherwise provided, and each of them shall be members of the board of supervisors of Bay county, and as such shall be entitled to the same compensation and paid in the same manner as other members of said board. The senior alderman from each of the wards of said city, being the alderman in each of said wards whose term [of] office will soonest expire, shall be ex officio member of the board of supervisors of Bay county, shall attend all the meetings thereof and be entitled to vote upon all matters that may be brought before said board and shall receive the same compensation therefor, to be audited by said board and paid by the county, as is authorized by law to be paid township supervisors.

Senior  
aldermen to  
be ex-officio  
supervisors.

Board of  
education.

SEC. 241. The members of the board of education of the union school district of Bay City, who were elected in the year nineteen hundred six, shall continue in office until the first Saturday in October, nineteen hundred eight, and shall constitute the board of education of said union school district until said last mentioned date. On the first Saturday in October, nineteen hundred eight, and every two years thereafter there shall be elected one member of said board of education of said district from each ward of said city, each of whom shall continue in office until his successor shall have been elected and shall have qualified. No person shall be eligible for such office who holds any other office or appointment under the municipal government of said city or school district.

Eligibility.

Approved June 27, 1907.



## [No. 715.]

AN ACT to provide for the election of a school inspector in the eighteenth ward of the city of Detroit.

*The People of the State of Michigan enact:*

SECTION 1. At the regular spring election in the year nineteen hundred nine and every fourth year thereafter, one school inspector shall be elected in the eighteenth ward of the city of Detroit, to succeed the inspector from said ward who was elected on the seventeenth day of April, nineteen hundred six, and said inspector so elected shall take office July first, following his election, the votes cast for said inspector to be cast in separate ballot boxes from those used for other than city officials, and the election shall be held and the votes canvassed in the manner provided by the laws governing city elections.

School in-  
spectors in  
eighteenth  
ward, election  
of.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 716.]

AN ACT to amend act three hundred ninety of the local acts of eighteen hundred eighty-five, and amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeen, eighteen hundred eighty-five, by adding thereto two new sections to chapter fifteen to stand as sections thirty-five and thirty-six.

*The People of the State of Michigan enact:*

SECTION 1. Chapter fifteen of act three hundred ninety of the local acts of eighteen hundred eighty-five, and amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeen, eighteen hundred eighty-five, is amended and there is added to chapter fifteen two new sections to stand as sections thirty-five and thirty six, such added sections to read as follows:

Sections  
added..

SEC. 35. In addition to the powers already conferred in this charter by sections twenty-nine and thirty-three of this chapter, said city of Port Huron, at any time the canal commission, by and with the consent of the common council, may deem it necessary, is hereby authorized and empowered to bond itself in an additional sum, not to exceed ten thousand dollars, for the purpose of completing said canal. Said bonds when issued shall be denominated "Canal Construction Bonds"

"Canal  
construction  
bonds,"  
issue of.

Authority  
for issue.

Proceeds of  
sale.

"Port Huron's  
Semi-Centen-  
nial Celebra-  
tion," au-  
thority to  
raise money.  
for.

and shall not be for a period longer than thirty years. No such bonds shall be issued unless authorized by the common council and board of estimates; but no vote by resident taxpayers or electors of the city shall be necessary. The proceeds of the sale of such bonds shall be placed in the canal construction fund and shall be used only as such funds are used.

SEC. 36. Said city of Port Huron is hereby authorized and empowered when deemed necessary by its common council and board of estimates, to raise a sum not exceeding two thousand dollars for the purpose of defraying the expenses of the celebration to be given by said city in the year nineteen hundred seven to be known as "Port Huron's Semi-Centennial Celebration;" said money when raised shall be placed in an appropriate fund and disbursed only by the action of the common council and for the purpose of such celebration, and such portion of such fund not used for such purpose shall be by resolution of the common council, turned into the contingent fund.

This act is ordered to take immediate effect.

Approved June 27, 1907.

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[No. 717.]

AN ACT to change the date of the commencement of the fiscal year for the city of Niles.

*The People of the State of Michigan enact:*

Fiscal year,  
when to  
commence.

Proviso.

SECTION 1. The fiscal year of the city of Niles, a city of the fourth class under chapter eighty-eight of the Compiled Laws of eighteen hundred ninety-seven of this State, entitled "An act to provide for the incorporation of cities of the fourth class," shall hereafter commence on the first Monday of August in each year, instead of the first Monday in October, as provided in said act: *Provided*, That this act shall be and remain in force only while the taxes of said city are collected in two installments.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 718.]

AN ACT to amend act number four hundred five of the local acts of Michigan for the year eighteen hundred ninety-three, entitled "An act to reincorporate the city of Lansing, in the county of Ingham, and to repeal all acts and parts of acts in conflict herewith," as subsequently amended, by adding one new section to title eleven of said act to stand as section twenty-four.

*The People of the State of Michigan enact:*

SECTION 1. Act number four hundred five of the local acts of Michigan for the year eighteen hundred ninety-three, entitled "An act to reincorporate the city of Lansing, in the county of Ingham, and to repeal all acts and parts of acts in conflict herewith," as subsequently amended, is hereby amended by adding one new section to title eleven of said act to stand as section twenty-four, to read as follows:

Section added.

## TITLE XI.

SEC. 24. Whenever any sewer, pavement, grading, sidewalk or other public improvement shall have been or shall hereafter be made, done or constructed within the city of Lansing, in pursuance of any resolution of the common council thereof, and the whole or any part of the expense thereof ordered defrayed by special assessment upon the land specially benefited thereby, and the proceedings preliminary to the making of any such special assessment are insufficient or defective, and any such special assessment or any portion thereof shall have been or shall be vacated and set aside, or declared illegal either by the common council or by any court of competent jurisdiction, the common council shall have power to adopt, amend, pass and repass any and all resolutions, and to amend and correct any and all proceedings relating to, and determine and fix the district specially benefited by said improvement, so that the same may be and become regular, valid and effectual, and may also authorize the city assessors, or any three commissioners whom the common council shall appoint (but such commissioners, if so appointed, shall, before proceeding, be sworn before some officer authorized to administer oaths, to faithfully and impartially discharge the trust reposed in them, which said oath shall be filed in the office of the city clerk), to examine such improvement so far as practicable, and ascertain and determine to the best of their ability the amount of special benefits, if any, accruing to the lands liable to assessment for special benefits therefor within such special assessment district as shall have been or shall be determined by the common council, pursuant to this act, to be specially benefited by such

Special assessment, when defective and illegal.

Provisions  
applicable.

improvement, and report their determination to the common council; and thereafter the common council may adopt and confirm or reject such report and determination, and if such report and determination is adopted or confirmed, may cause the city assessors to make a new assessment of such benefits so determined, upon the lands and premises specially benefited, in the same manner provided for making the original assessment, but the aggregate amount of such new assessment shall not exceed the aggregate amount attempted to be assessed against the lands and premises specially benefited by such improvement in the original assessment; and whenever the tax or any part thereof, assessed upon any lot or parcel of real estate by the original assessment, set aside or held invalid as aforesaid, has been paid and shall not have been refunded, it shall be the duty of the treasurer to apply such payment upon such new assessment on said lot or parcel of real estate, and to make a minute thereof upon the new assessment roll, and such new assessment shall, to the extent of such payment be deemed paid and satisfied, after which no part of the amount paid on the original assessment shall be refunded, unless the amount paid as aforesaid exceeds the amount of the new assessment, in which case the excess shall be refunded. All of the provisions of this act, including the levying, spreading, reviewing, confirmation and collection of special assessments as well as the provisions making special assessments a lien upon the lots and parcels of real estate upon which the same are assessed, shall apply to such new assessments. The power of appointment of such commissioners and the making of such new assessments shall continue until a valid new assessment is made in pursuance of this act.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 719.]

AN ACT authorizing and empowering the city of Grand Ledge, Michigan, to regulate the sale of intoxicating liquors within its limits and authorizing the common council to accept security and guaranty companies as sureties on liquor bonds, and excepting said city from the provisions of all statutes conflicting with the provisions of this act.

*The People of the State of Michigan enact:*

Saloons,  
limiting  
number,  
location, etc.

SECTION 1. The common council of the city of Grand Ledge, Michigan, may by ordinance limit the number of saloons in said city, may prescribe the limits within which saloons may

be located in said city and may prohibit the sale of intoxicating liquors at any place within said city outside of the limits so prescribed, and any ordinance heretofore or hereafter passed, fixing such limits shall be and remain in force until repealed by the common council.

SEC. 2. The council may accept such security or guaranty companies as shall have fully complied with the laws of the State of Michigan as sureties on retail liquor dealers' bonds, and any bond required by the laws of this State to be given by retail liquor dealers shall be sufficient, if signed by the principal and by such a company and approved by the common council.

Security and guaranty company bonds acceptable.

SEC. 3. The common council may by ordinance, subject to the provisions of this act and the provisions of the act incorporating the city of Grand Ledge, as amended, require retail liquor dealers to take out a city license and pay therefor such license fee into the city treasury as the council may by ordinance or resolution fix, but such license fee shall be not less than two hundred fifty dollars nor more than five hundred dollars: *Provided*, That not more than five saloons shall be licensed in said city until the population thereof shall have reached the number of five thousand, according to a State or Federal census, and thereafter one additional saloon may be licensed for each additional thousand of population or major portion thereof.

Local license fee may be required.

Proviso.

SEC. 4. The provisions of this act shall be cumulative to the powers granted by the act incorporating the city of Grand Ledge as amended, and to the powers granted by the general laws of this State, relating to the manufacture and sale of intoxicating liquors.

Provisions to be cumulative.

SEC. 5. This act shall supersede all acts and parts of acts conflicting with the provisions hereof, so far only as the same relate to the city of Grand Ledge: *Provided*, That this act shall not apply to druggists or registered pharmacists, selling or keeping for sale said liquors, in strict conformity to the general liquor laws of the State.

Superseding clause.

Proviso, as to druggists, etc.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 720.]

AN ACT to provide for the appointment of a board of park commissioners, to take charge of the public parks and public grounds of Bay City, and procure additional lands for park purposes, and to control and manage all the parks and public grounds of said city.

*The People of the State of Michigan enact:*

Board of  
park com-  
missioners,  
appointment  
of.

Term of  
office.

Qualifications  
of appointees.

Compensation.  
Members not  
to hold  
other office.

Conferring of  
powers and  
transfers of  
records,  
books, etc.

Term of  
office of  
second and  
succeeding  
commissions.

Vacancy,  
filling of.

What  
constitutes.

Organization  
of board.

SECTION 1. There shall be appointed by the mayor and approved by the common council, upon the adoption of this act, three suitable and competent persons who, together with the mayor ex officio shall constitute a board of park commissioners for the city of Bay City. The term of office of such commissioners so appointed shall commence immediately upon their appointment, and they shall hold office respectively until the first meeting of the common council after the annual election in April, nineteen hundred twelve, and until their successors are appointed and qualified.

SEC. 2. Each person appointed on such board shall be an elector and freeholder of said city of Bay City, and shall before entering on the duties of his office, take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the recorder of Bay City. The members of said board shall serve without compensation. No person shall be appointed a member of said board while holding any elective office, and any member of said board who shall be publicly nominated for any office elective by the people, and who shall not decline such nomination and withdraw as a candidate for such office within ten days after such nomination, shall be deemed to have vacated his office as a member of the board of park commissioners.

SEC. 3. All the powers and duties now vested in the common council of Bay City, and the committee of said council, pursuant to the charter and ordinances of said city, or the rules of the common council, so far as they relate to public parks, are hereby conferred upon the said board of park commissioners, and all the official records, books, papers and property pertaining to the parks of said city are hereby placed in their custody and under their control. At the first meeting of the common council after the annual election in April, nineteen hundred twelve, and each succeeding period of three years thereafter, the mayor, with the approval of the common council of said city, shall appoint three like park commissioners for the period of three years, and until their successors are appointed and qualified. In case of a vacancy in said commission, the mayor, with the approval of the common council, shall appoint a member or members to fill such vacancy. Removal from the city, death, refusal to serve or resignation shall constitute a vacancy on said board.

SEC. 4. Said board shall organize by electing one of its members as president, who shall be elected annually at

the first meeting of the board in the month of April of each year. The recorder of said city shall be clerk of said board and perform the duties thereof without additional compensation. Said board shall keep a record of its proceedings. The city attorney shall act as legal advisor and attorney for said board, without additional compensation.

Clerk.

Legal  
advisor.

SEC. 5. Said board shall have power to and shall make all needful general rules and regulations for the transaction of its business, and may employ and discharge at its pleasure such superintendents, engineers, clerks, agents, subordinates and laborers as it may deem necessary, and fix their compensation. The city engineer of Bay City shall perform the duties of engineer of said board without additional compensation. Any officer or appointees or employes of said board shall give such security for the faithful performance of their duties as such board may require.

Powers of  
board as to  
rules, regula-  
tions and  
employment.

Engineer.

Security  
required.

SEC. 6. Said board of park commissioners shall have the control and management of all the parks and public grounds of said city, now or hereafter acquired and established, and of all the improvements and the maintenance thereof, but the power and authority hereby conferred shall not be construed to cover or include any of the ordinary public streets or alleys of said city.

Powers of  
board over  
parks and  
public  
grounds.

SEC. 7. The said board may make all needful rules and regulations for the management, maintenance, protection and care of the said parks and public grounds and property under its authority, and to regulate their use; and the common council of said city may provide by ordinance for the observance of the same. Said common council may also, in like manner, provide for the observance and enforcement of any other rules and regulations duly made by said board, under any of the provisions of this act. The common council of Bay City is further authorized, empowered to and may adopt such an ordinance or such ordinances as it may see fit for the following purposes: To protect all of the parks, public grounds and other property in the custody, care, control or management of said board and to prevent any injury thereto, also to preserve order and to prevent disorder or disturbance on or about said parks or public grounds, and to prevent any encroachment thereon or interference with the quiet and peaceable use and enjoyment of the same. Such ordinances may provide a penalty or penalties for any violation of any of the provisions thereof in the manner and to the extent provided in the charter of said city for other ordinances.

Parks,  
public  
grounds, etc.,  
care, etc., of.  
Provisions for  
observance.Adoption of  
ordinances for  
certain  
purposes.Ordinances  
may provide  
penalty.

SEC. 8. Said board shall annually before the first day of April, prepare and submit to the common council an estimate of the amount of money that it may deem necessary to be raised for the ensuing fiscal year, for the purpose of improving and maintaining the parks and public grounds under its charge and for the payment of any other expenses which said board is by this act authorized to incur. which estimate shall specify the sums desired for each of the general objects of

Estimate of  
money  
needed  
for main-  
tenance, etc.

Board to make report.	expenditure; and said board at the same time shall make a report to the common council of the amount of revenue and income, if any, which it is estimated shall be received during such fiscal year from any source.
Raising of money.	SEC. 9. The common council of said city may cause to be placed upon the general tax roll, and to be raised by tax the same as other taxes, each year, such sum or sums as they may think proper to be raised for the several objects of expenditure, estimated as aforesaid, for the maintenance and improvement of said parks and public grounds, or for the payment of any other expenses which said board is by this act authorized to incur. The money so raised, as well as all other moneys received from any source for the maintenance and improvement of any parks or public grounds in said city, shall be paid into the city treasury and credited to a fund to be styled "park fund," and such moneys shall be expended and paid out for the purposes and in the manner herein provided.
"Park fund."	
Bills, claims, etc., to be audited by board.	SEC. 10. All bills, claims and accounts, excepting those payable out of the proceeds of the sale of the park bonds authorized by the local act of nineteen hundred seven, approved March fourteen, nineteen hundred seven, hereinafter mentioned, shall be audited by said board and shall be certified to by it, then transmitted to the common council for allowance and payment, in the same manner as provided in the charter of said city for the payment of other claims and demands against said city.
Sale of certain authorized bonds.	SEC. 11. As soon as practicable, the common council of Bay City shall proceed to and shall sell the bonds authorized by virtue of local act of nineteen hundred seven, entitled "An act to authorize Bay City to acquire a site and to lay out, establish, make, alter and regulate a public park and grounds, and to borrow money and issue its bonds therefor, for the purpose of acquiring such site and laying out, establishing and making such public parks and grounds," approved March fourteen, nineteen hundred seven. The proceeds of the sale of said bonds shall be deposited in the treasury of Bay City to the credit of a fund to be known as "Wenonah park fund," and no money shall be drawn therefrom except upon the order or warrant of said commission, duly authenticated by its secretary and signed by its chairman and countersigned by the comptroller of said city. The proceeds of the sale of said bonds shall be used exclusively for paying the cost and expense of purchasing and condemning or otherwise acquiring the property herein described for said Wenonah Park, and to pay the cost and expense of laying out the grounds so acquired and improving and making same into a suitable public park, it being the intent and purpose of this act that all of the funds obtained from the sale of said bonds shall be expended exclusively for said Wenonah Park. All expenses and liabilities incurred by said board for the purchase or acquisition of property for Wenonah Park, and all ex-
"Wenonah park fund."	
Proceeds of sale, what used for.	
Expenses, etc., incurred, auditing of.	



penses and liabilities incurred in improving such property and properly laying out, improving and making a public park thereof, to the amount of the proceeds of the sale of said bonds, shall be audited and allowed by said board of park commissioners and paid out of said fund by the treasurer of Bay City, on proper warrant to be issued by said board and to be authenticated by its secretary, which warrants shall be countersigned by the comptroller on presentation thereof to him. Said comptroller shall be the accountant of said board of park commissioners to the same extent as of all other accounts of said city.

Accountant  
of board.

SEC. 12. The board shall make an annual report to the common council of its doings and of the expenditures made by it, showing the situation and condition of affairs under its control. The common council may require a report from said board at any time, and the records, books, papers and the accounts of the department shall at all times be subject to the inspection of the mayor, comptroller or of any committee appointed by the common council for that purpose.

Board to make  
report.

SEC. 13. The grounds of which said board may have control shall be used and enjoyed solely for the purposes for which they were established.

Use of  
grounds.

SEC. 14. The said board may receive for and in the name of said city, donations, grants or bequests of real property for park purposes and personal property or moneys which shall be used for and devoted to the purposes contemplated by this act.

Board may  
receive  
donations,  
grants, etc.

SEC. 15. Said board may receive conveyances granting to the city of Bay City lands for a public park, and may agree with any person having an interest in any such lands, for the purchase and conveyance of same to said city, for a park on the east bank of the Saginaw river, west of the west line of Water street and between the south line of Fifth street and north line of Sixth street, to be known as Wenonah Park, and said board may acquire by purchase or by condemnation proceedings, in the manner provided in the charter of Bay City, any lands or interest in lands which it may find necessary for such park. Upon such acquisitions of land being made, said board may cause proper conveyances to be made to Bay City and recorded, and may pay the purchase price thereof, as well as any compensation, costs and expenses to be paid for any lands which may be taken or condemned by proceedings therefor.

May receive  
conveyances  
granting  
certain  
lands.

SEC. 16. Said board of park commissioners shall have power and authority to contract for the sale of and to sell at the best price obtainable, in their judgment, any buildings, building material or salvage, upon the site of said Wenonah Park; also to contract for the removal of such buildings, building material and salvage therefrom on the best terms which, in their judgment, may be obtained. The proceeds of the sale of such buildings, building material or salvage shall be paid into the treasury of Bay City and

May sell  
buildings, etc.,  
for salvage.

there deposited to the credit and as part of said Wenonah Park fund, to be used, expended and paid out for the purpose and in the manner in this act provided.

May acquire  
land by  
condemnation.

SEC. 17. Whenever in the judgment of the board it is necessary to acquire land for park purposes, and the said board is unable to negotiate therefor, or after negotiations to agree with the owner thereof for the purchase price therefor, it shall report to the common council of Bay City in writing the necessity of acquiring such land and its inability to acquire the same by purchase, and thereupon the common council of Bay City shall proceed to acquire such land by condemnation, in the manner and form provided by the charter of said city. Upon the report of the jury that it is necessary to acquire any property for park purposes, and the delivery to or deposit for the owner or owners thereof, of an order upon the proper fund for the amount awarded, such owner or owners, the said board of park commissioners may immediately take possession of the property so acquired and occupy the same and remove the occupant or occupants therefrom.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 721.]

AN ACT to legalize and make valid certain ordinances of the common council of the city of Stanton.

*The People of the State of Michigan enact:*

Unrepealed  
ordinances  
legalized.

Proviso.

SECTION 1. All unrepealed ordinances of the city of Stanton, county of Montcalm and State of Michigan, enacted by the common council of said city, of whatever date, are hereby legalized and declared valid: *Provided, however,* That there is excepted from the operation of this act, the ordinance of said common council dividing said city of Stanton into three wards.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 722.]

AN ACT to amend sections two and three of act number four hundred of the local acts of the State of Michigan for the year eighteen hundred ninety-nine, as amended by act number four hundred forty-five of the local acts of the State of Michigan for the year nineteen hundred one, entitled "An act to provide for the payment of a salary to certain township officers in the township of Springwells, in the county of Wayne, and to fix the salaries thereof."

*The People of the State of Michigan enact:*

SECTION 1. Sections two and three of act number four hundred of the local acts of the State of Michigan for the year eighteen hundred ninety-nine, as amended by act number four hundred forty-five of the local acts of the State of Michigan for the year nineteen hundred one, entitled "An act to provide for the payment of a salary to certain township officers in the township of Springwells, in the county of Wayne, and to fix the salaries thereof," is hereby amended to read as follows:

SEC. 2. The supervisors [supervisor] shall receive an annual salary of seven hundred fifty dollars, the township clerk shall receive an annual salary of three hundred dollars, the highway commissioner shall receive an annual salary of two hundred fifty dollars, the two justices of the peace, who are members of the township board, shall each receive an annual salary of seventy-five dollars for their services upon the township board and the board of public works in said township.

SEC. 3. The said supervisor, clerk, highway commissioner or justices of the peace shall not accept or receive from the said township other further or additional compensation for services they are by law required to perform for the township, no matter in what capacity they may act for the township, except for services on election and registration boards, and for such services they shall be allowed the fees fixed by law. The salaries of the aforesaid officials shall be raised by taxation upon all taxable property in said township, the same as township, school, highway and other taxes are now raised under the general laws of the State. Said tax shall be designated upon the tax roll of said township as "Salary of Township Officers."

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 723.]

AN ACT to amend section one of title two and section six of title four of act number four hundred twenty-nine of the local acts of eighteen hundred ninety-five, being an act to reincorporate the city of Cadillac.

*The People of the State of Michigan enact:*

Sections  
amended.

SECTION 1. Section one of title two and section six of title four of act number four hundred twenty-nine of the local acts of eighteen hundred ninety-five, being an act to reincorporate the city of Cadillac, is hereby amended to read as follows:

## TITLE II.

City officers to  
be elected.

SECTION 1. The following city officers, viz.: A mayor, a city treasurer, a city collector, a city clerk, judge of the recorder's court, three school inspectors, two justices of the peace, two aldermen, to be termed aldermen at large, and three city assessors shall be elected by the qualified voters of the whole city: *Provided*, That one of said justices shall be elected at the annual city election in the year eighteen hundred ninety-six, and the other justice at the annual city election in the year eighteen hundred ninety-eight, each to be elected for the full term of four years from and after the fourth day of July from and after said election, and thereafter one justice of the peace shall be elected every two years at the annual city election: *Provided further*, That at the annual city election in the year nineteen hundred eight there shall be elected three city assessors whose terms of office shall commence on the first Monday in April, nineteen hundred eight, and shall expire as follows, viz.: One on the thirtieth day of June, nineteen hundred nine, one on the thirtieth day of June, nineteen hundred ten, one on the thirtieth day of June, nineteen hundred eleven, and thereafter one city assessor shall be elected at the annual city election in each year for the term of three years from and after the first day of July next following said election and until his successor shall be elected and qualified.

Proviso as to  
justices.

Further  
proviso, as to  
assessors.

## TITLE IV.

Board of  
assessors,  
who to con-  
stitute,  
powers and  
duties.

SEC. 6. The three city assessors shall constitute a board of assessors and the assessor whose term of office shall first expire shall be the chairman of said board. The assessors shall annually estimate and assess the value of all the taxable real and personal property in the city and make the assessment rolls at the time and in the same manner as supervisors in townships. They shall spread upon said rolls any and all taxes duly certified by order of the city council

Spread on  
rolls.

and the board of supervisors of the county in which said city is located, or by other proper authority and their warrant attached to said rolls directing the collection of the taxes so levied and spread thereon shall have the same power and effect as the warrant of supervisors made in accordance with the said law. The said board of assessors shall make all special assessments authorized by the charter of said city and the board of special assessors provided for in said charter is hereby abolished. If a member of said board of assessors shall be interested in any special assessment directed by the council, the said council shall appoint some other person to act in his stead in making the assessment, which other person shall, for the purposes of that assessment, be a member of said board of assessors. Any two of said city assessors shall constitute a quorum of said board for the transaction of all business. Said city assessors shall attend all meetings of the board of review and shall furnish the said board of review information concerning the assessment roll made by said assessors and all property assessed thereon. The said assessors shall each receive a salary of two hundred dollars per year, payable monthly, from and after the first day of July, nineteen hundred eight: *Provided*, That said city assessors shall for services rendered by them prior to the first day of July, nineteen hundred eight, receive such compensation as may be allowed by the city council.

Special  
assessments.Members  
interested in  
special  
assessment.Compensation  
of.

Proviso.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 724.]

AN ACT to amend section one of act number four hundred twenty-five of the local acts of Michigan of eighteen hundred ninety-five, being an act entitled "An act to provide for and fix and limit the compensation and to prescribe the duties of certain officers and employes of the county of Wayne," approved May twenty-one, eighteen hundred ninety-five.

*The People of the State of Michigan enact:*

SECTION 1. Section one of act four hundred twenty-five of the local acts of eighteen hundred ninety-five, approved May twenty-one, eighteen hundred ninety-five, being an act entitled "An act to provide for and fix and limit the compensation and to prescribe the duties of certain officers and employes of the county of Wayne," is hereby amended to read as follows:

Section  
amended.

SECTION 1. The treasurer and prosecuting attorney of the county of Wayne shall each receive a salary of five thousand

Salaries of  
certain county  
officials.

dollars per annum; the county clerk and register of deeds of the county of Wayne shall each receive a salary of three thousand five hundred dollars per annum; the county auditors of the county of Wayne shall each receive a salary of five thousand dollars per annum; the circuit court commissioners of said county shall each receive a salary of three thousand dollars per annum, and the said salary or salaries of said county treasurer, prosecuting attorney, county clerk, register of deeds, and circuit court commissioners shall be full payment for services performed by said officer or officers for said county or for the patrons of their respective offices, and shall be in lieu of all fees, commissions or perquisites payable to said officers under the laws of this State for the performance and discharge of any duties required by their respective offices or any office, the duties of which they exercise by virtue thereof; and in lieu of all fees or commissions collectible by said officers for the performance of the respective duties of their said offices where the said fees are not fixed by law and that the said officers shall receive no other or further compensation for the duties imposed upon them, but all fees or commissions made payable to or that may be charged by them by virtue of said office shall be received by and on account of said county.

This act is ordered to take immediate effect.

Approved June 27, 1907.

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[No. 725.]

AN ACT providing for the election by the electors of the city of Stanton of two aldermen at large.

*The People of the State of Michigan enact:*

Aldermen at  
large, election  
of, authorized.

SECTION 1. The city of Stanton, county of Montcalm, State of Michigan, is hereby authorized and empowered to elect from the resident electors within the corporate limits of said city, two aldermen, to be known and designated as aldermen at large.

Special  
election.

SEC. 2. The city of Stanton, at any time after the passage of this act, is hereby authorized and empowered to elect the two aldermen at large designated in section one of this act, at a special election in said city, which shall be called by the city clerk of said city, and it shall be the duty of said city clerk, and he is hereby authorized and empowered, to call said special election to elect said aldermen at large by giving such notice of the time, place, etc., of such special election as is provided by law to be given for holding special elections in the city of Stanton.

SEC. 3. Said notice by said clerk of holding said special election, shall be the authority for holding the same, and said special election whenever held pursuant to the notice herein provided to be given, shall be in all respects conducted, canvassed and the result declared in the same manner as is provided by law for holding and conducting special elections in said city of Stanton. Notice of special election.

SEC. 4. The term of office of one of the said aldermen shall expire at the annual spring election in said city upon the first Monday in April, nineteen hundred eight, and the term of office of the other alderman shall expire at the annual spring election on the first Monday in April, nineteen hundred nine. Term of office.

SEC. 5. At the spring election of the electors of the city of Stanton on the first Monday in April, nineteen hundred eight, and at each annual election in every year subsequent thereto, there shall be elected one alderman at large for the term of two years. Regular election of alderman at large.

SEC. 6. The aldermen at large so elected shall have the same right, power and duties as the aldermen elected in the several wards of said city. Powers and duties.

This act is ordered to take immediate effect.

Approved June 27, 1907.

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[No. 726.]

AN ACT to change the name of Big Bass lake in Lake county to Lake Nat-ah-ki.

*The People of the State of Michigan enact:*

SECTION 1. The name of Big Bass lake in Lake county is hereby changed to Lake Nat-ah-ki. Name changed.

This act is ordered to take immediate effect.

Approved June 27, 1907.

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[No. 727.]

AN ACT to prevent the lowering of the waters in any meandered lakes in Berrien county.

*The People of the State of Michigan enact:*

SECTION 1. It shall henceforth be unlawful for any person to lower the natural level of the waters of any meandered lake in Berrien county by increasing the capacity of the outlet Meandered lakes, unlawful to lower waters in.

Proviso.	to such lake or by extending any ditch or drain into such lake, or by dredging for marl or other substance: <i>Provided, however,</i> That this act is prospective in its operation and not intended to interfere with any proceedings heretofore had under the drain law, which are or may be held to be otherwise valid.
Penalty for violation.	SEC. 2. Any person violating any of the provisions of this act shall, on conviction, be punished by a fine of not more than one hundred dollars for the offense, or by imprisonment in the county jail for not more than sixty days, or both such fine and imprisonment in the discretion of the court, and in case of default in the payment of any such fine, such person shall be committed to the county jail until such fine shall be paid: <i>Provided,</i> That such imprisonment shall not exceed sixty days.
Proviso.	This act is ordered to take immediate effect. Approved June 27, 1907.

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[No. 728.]

AN ACT to amend section one of act number three hundred twenty-six of the local acts of nineteen hundred three, entitled "An act to provide for the nomination of candidates for election by popular vote and relating to primary elections in Kent county."

*The People of the State of Michigan enact:*

Section amended.	SECTION 1. Section one of act number three hundred twenty-six of the local acts of nineteen hundred three, entitled "An act to provide for the nomination of candidates for election by popular vote and relating to primary elections in Kent county," is hereby amended to read as follows:
Primaries, when held.	SECTION 1. On the first Tuesday in September preceding any election at which members of the State legislature or officers of the county of Kent are to be elected, a primary election shall be held in the several townships of said county and wards of the city of Grand Rapids and at said primary election the candidates for all elective county officers, judges, representatives and senators in the State legislature, and all other elective officers, excepting members of the school boards and county commissioners of schools and all township officers who are to be voted for at the ensuing election shall be chosen by popular vote as hereinafter provided. Approved June 27, 1907.



[No. 729.]

AN ACT to authorize the city of Detroit to acquire lands outside of the limits of the city of Detroit for use as public parks, public grounds and boulevards, and to regulate and improve the same.

*The People of the State of Michigan enact:*

SECTION 1. The commissioner of parks and boulevards of the city of Detroit, by and with the consent of the common council of said city, shall have the power to receive donations or bequests granting to the city of Detroit lands in the village of Grosse Pointe Park, village of Grosse Pointe, village of Grosse Pointe Farms, and township of Grosse Pointe in Wayne county, which shall abut on the Detroit river or Lake St. Clair and shall extend to the channel banks thereof. It is the intention of this act to include under provisions hereof the land in the township of Grosse Pointe, as it now exists or has heretofore existed, outside of the corporate limits of said city for use as public parks, public grounds or boulevards, and in all respects to devote such lands to such public or corporate purposes as are the parks, public grounds and boulevards already established in and about said city: *Provided*, That land not so abutting on the Detroit river or Lake St. Clair, and extending to the channel banks thereof, may be taken or condemned under the provisions of this act, where necessary to pass lands on the Detroit river or Lake St. Clair, owned, held, leased or used by the United States.

Commissioner of parks and boulevards, may receive bequest of certain lands.

Intention of act.

Proviso.

SEC. 2. The commissioner of the metropolitan police for the city of Detroit, with the consent of the common council, shall have full police power and jurisdiction over the lands so acquired the same as though such lands were within the corporate limits of the city of Detroit and upon the request of said commissioner of parks and boulevards may detail for service in any of such grounds, so many of the police force as may be necessary to maintain order and protect the property thereon, and any policeman on duty in said grounds may remove therefrom any person who may violate any of the rules and regulations of said commissioner.

Police, power over lands.

SEC. 3. The common council of said city shall have the power to authorize extensions of public lighting, fire, water and sewerage systems of the city to said park, public grounds or boulevards whenever said commissioner of parks and boulevards shall request, and the said common council shall deem the same advisable: *Provided*, That the construction of said extensions shall be without cost to the city.

Extensions of lighting, fire, water and sewerage systems to lands.

Proviso.

SEC. 4. The commissioner of parks and boulevards may agree with any person having an interest in any such lands mentioned in section one hereof, for the purchase and conveyance to said city of the same, and with the consent of

May acquire land by purchase or legal proceedings.

Upon acquisition council may issue bonds.

Proviso as to issuing bonds in excess.

Proviso as to approval by board of estimates.

Petition, presentation to court by commissioner.

What to set forth.

said common council and the approval of the board of estimates and with such consent and approval, may acquire by purchase, or by legal proceedings, in the manner hereinafter provided, any such lands or interest in lands mentioned in section one hereof, which may be found necessary for the opening of and enlargement or extension of any park or boulevard which may hereafter be laid out, located, constructed or established. And upon such acquisitions being made, to cause the proper conveyance to be made and recorded and the purchase price thereof, as well as any compensation to be paid for any lands which may be taken or condemned by proceedings taken therefor, as hereinafter provided, may be paid from the contingent fund of said city or may be raised, if the common council shall so determine, by the issue of bonds to be known as park and boulevard bonds, which shall be signed, numbered, recorded, sold and issued in like manner as Detroit bonds are by the city charter required and authorized to be made and issued: *Provided*, That such park and boulevard bonds shall not be issued in excess of the bonding limit of said city. And the money so paid or raised shall be exclusive of the amounts raised for maintenance and improvement as hereinbefore provided: *Provided, however*, That no expenditures for the purchase of any such lands or interest for park or boulevard purposes shall be made, nor shall there be issued any bonds or other obligations of any kind for or on behalf of the city of Detroit for such purposes, until the same shall have been approved by the board of estimates of the city of Detroit.

SEC. 5. Whenever, in the acquisition of any land which said commissioner may be authorized to acquire, said commissioner may find it necessary or expedient to make such acquisitions by legal proceedings as hereinafter provided, said commissioner shall present to the recorder's court of the city of Detroit his petition, verified by him, his secretary or attorney, who may be appointed to conduct such proceeding, briefly setting forth the grounds and objects thereof, and praying that a jury of freeholders may be empaneled to ascertain and determine the necessity for the taking of such lands, and to determine or award the damages or compensation to be allowed to the respective parties entitled thereto for such takings. The petition shall set forth the description of land sought to be acquired, the purposes for which the same are sought, the names and residence of the owners of such lands or of other persons having interests therein, so far as known; and if any of such persons are infants, idiots or of unsound mind, such fact shall be stated, with the age of such infants. It shall be competent to unite in said petition two or more distinct parcels of land, though owned by different persons, and parties having different interests or estates in any land or any part thereof, may be united as respondents in respect to the same in the petition.

SEC. 6. Upon filing such petition, the court shall make an order requiring all the persons named in said petition as owners or as having any interest in any of said lands, upon a day to be fixed, to appear and show cause, if any they have, why the prayer of said petition shall not be granted. A copy of said petition, with a copy of the order of the court thereon, shall be served on all persons shown by the petition to be interested therein, at least five days before the day fixed for hearing. Proof of such service shall be filed in said court, and may be made by the affidavit of the person who made the same, or by the official certificate of the sheriff of the county in which said service may be made, his under sheriff or deputy, showing when such service was made by such officer.

Order to  
show cause.

Service of  
order and  
petition.

Proof of  
service.

SEC. 7. Such service shall be made as follows:

Service, how  
shall be made.  
At residence.

First, When his or her residence is known, upon the person interested, unless an infant under fourteen years of age, an idiot or person of unsound mind, either personally or by leaving such copy properly directed at his or her usual place of residence, with some person of suitable age found living there;

Second, If any person on whom service is made is an infant under the age of fourteen years, an idiot or person of unsound mind, and resides in this State, such service will be made as aforesaid on his guardian, or, if none, then on the person who has the care of or with whom such infant, idiot or person of unsound mind resides;

On guardian.

Third, If the residence of any person so interested shall be unknown, or if he shall reside out of this State, then such service may be made by publishing a notice once a week for at least six successive weeks before the day of the hearing, in some daily newspaper published in the city of Detroit, which notice shall briefly state the object of the petition, so far as such interested person is concerned, and a brief description of the land sought to be taken in which he is interested, and if the postoffice address of such person be known, a copy of such petition and notice shall be deposited in the postoffice at Detroit at least thirty days previous to the day of hearing, directed to such person at his place of residence or postoffice address, as near as may be, postage prepaid. Proof of such publication or the mailing of such copy may be made by affidavit and filed in said court.

By publi-  
cation.

SEC. 8. On the hearing of the petition and in all subsequent proceedings, any infant, idiot or person of unsound mind, may be represented by his or her guardian, but if there shall be no guardian or he shall not appear at the hearing to represent such infant, idiot or person of unsound mind, then the court shall, before proceeding with the hearing, appoint some disinterested person as guardian ad litem, to protect the interests of the person for whom he was so appointed, and the court shall likewise appoint a suitable person to represent and protect the interests of any person who may be stated in such petition to have interests in said land, but whose name

Guardian,  
appointment.  
of, in certain  
cases.

in unknown, or whose residence is unknown, or who is a non-resident of this State and who does not appear in his own behalf, or is not otherwise represented.

Service of  
orders, no-  
tices, etc.

SEC. 9. In all cases not otherwise provided for, service of orders, notices and other papers in the proceedings authorized by this act may be made as the said court or the judge thereof may direct.

Adjournment  
of hearing.

SEC. 10. The day of hearing may be adjourned at the discretion of the court, and if at the hearing, no sufficient cause be shown against the petition, the prayer thereof may be granted. It shall be competent for the commissioners, with

Dismissing  
petition.

leave of the court, or for the court for any good reason shown, to dismiss the petition as to one or more distinct parcels of land sought to be acquired, or as to one or more

Jury, selec-  
tion of.

of the respondents, and to proceed with the residue. If the prayer of the petition is granted, the court shall order the

sheriff of the county to select at least twenty-four freeholders of said city, village or township in which said land is located,

from whom a jury shall be empaneled in the cause, and the names of said twenty-four or more freeholders having been

selected and returned by the said sheriff as directed by said order, the court shall thereupon cause such persons to be

summoned by the usual process of venire to attend the court on a day to be named in said venire, to serve as jurors, and

Venire,  
service of.  
Empanelling  
jury, etc.

shall then adjourn all further proceedings on said petition to the return day of said venire. Said venire shall be served

by the sheriff or his deputies as in other cases. On the return day of said venire, the court shall proceed to empanel a

jury of twelve disinterested freeholders from persons so drawn and summoned, and if such jury cannot be found from

the persons who shall attend upon such summons, or if so many of the persons summoned shall be excused or shall be

rejected by the court, upon challenge or otherwise, that there shall not be a sufficient number left to constitute a

jury, the court shall order the sheriff of said county forthwith to summon immediately other freeholders of said city,

village or township to attend as jurors until a panel of twelve qualified jurors shall be obtained. Such jurors shall

then be sworn to ascertain and determine the necessity of taking the several parcels of land sought to be taken for the purpose set forth in the petition and if taken, to deter-

Challenges  
allowed.

Death or  
inability of  
juror.

mine and award to each person entitled thereto the proper compensation to be allowed for his or her interest in the land so taken. In empanelling a jury, the practice and pro-

ceedings shall be the same as in ordinary civil suits, so far as practicable. Two peremptory challenges shall be allowed to the commissioners, and the respondents collectively shall

be entitled to the same number. If any juror, after being sworn, shall die or become unable to discharge his duties, the court may appoint another qualified person to serve in his place, who shall be sworn and take his place upon the jury or may, in its discretion, empanel a new jury.

SEC. 11. The jury shall hear the proofs and allegations of the parties and the arguments of counsel, and if so ordered by court, shall go to the place of the intended improvements in charge of an officer, and upon or as near as practicable to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties, and the law in the case by the court, and shall repair in charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil suit. The testimony given shall be reported, all objections made and rulings of the court thereon, and exceptions taken being noted by the regular court stenographer, and the charge of the court or instructions given to the jury shall likewise be reported by him. The jury shall consider and report in writing on each distinct parcel of land and the interests in the same separately, and when all is finished, bring the report into the court, and the same be filed with the clerk. A disagreement of the jury as to one or more distinct parcels of land shall not affect their report as to any lands with regard to which they have agreed, and upon such disagreement, the court may, upon motion of the commissioner, with a view to further proceedings, permit the petition to be so amended as thereafter to relate only to the premises affected by such disagreement, and to the person interested therein, and will also cause a new jury to be drawn and empaneled, which new jury shall be drawn and empaneled in the same manner as above provided for the drawing of the original jury, and like proceedings as above provided shall thereupon be had as to the lands concerning which there was such a failure to agree, and such new proceedings may be ordered by the courts as often as may be necessary.

Jury to hear proofs, allegations, etc.

Instructions to jury.

To report each finding separately.

Disagreement.

SEC. 12. The court may allow the jury to take with them when they retire proper descriptions of the lands sought to be taken, as well as maps of the same, and of the premises adjacent thereto, showing the proposed improvement, and such other papers as the court in its discretion may deem it proper for them to have. The verdict of the jury may be set aside by the court and a new trial ordered for objections of law, and for matters of substance, but not for objections as to matters of form, in the same manner and on the same grounds as in ordinary civil actions in courts of general jurisdiction, and amendments either in form or substance of the petition, process and proceedings may be allowed, but if by such amendments new parties are added to the proceedings, an order shall be made for their appearance, and a copy thereof and of the petition shall be served as may be directed by the court and the proceedings shall be adjourned a sufficient length of time to enable such service to be made and the party given a reasonable time in which to appear. The court may, before the jury is finally discharged, refer their verdict and finding back to them, for the cor-

Jury, what may take with them on retiring.

Verdict may be set aside.

Verdict may be referred back to jury.

rection of any errors, defects or insufficiencies therein contained.

New jury and new proceedings may be ordered.

SEC. 13. The court, upon motion of the commissioner, may confirm any report made as aforesaid, unless good cause shall be shown, but if such cause is shown, the court may set aside any report and order a new jury and new proceedings as in the case of the failure of the jury to agree, and upon motion of said commissioner, as well as upon the motion of any of the respondents, may grant a new trial and order a new jury, as in case of the failure of the jury to agree, but motions for a new trial shall be made within two days after rendition of the verdict, or within such further time as shall be allowed by the court, and if no such motion is made, or being made is overruled, the court shall enter an order confirming the verdict of the jury, and such order shall be final and conclusive as to all persons interested therein.

Order changing title of property.

SEC. 14. Upon the confirmation of any report, the court shall make a proper order declaring that all the title of the persons who have been made parties as interested in the lands in question (a description of which shall be embodied in said order) shall, upon payment, tender or deposit of the compensation as required by this act become and be vested in the city of Detroit, its successors and assigns forever, for the uses and purposes for which the same was taken. A certified copy of such order may be recorded in the office of the register of deeds for Wayne county and have the same effect as a recorded deed.

Copy to be recorded.

Appeal from order.

SEC. 15. Any party interested in any of the lands so sought to be acquired who shall deem himself aggrieved by such final order, or said commissioner, may appeal therefrom to the supreme court, which appeal shall be in writing and filed with the clerk of the court within five days after the making of said final order. The party or parties so appealing shall, within ten days after the making of such order, draw up a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings, as shall be sufficient to fairly present the question to be raised thereon, and present the same to the judge for his signature, and shall at the same time serve a copy of the same on the attorney of the appellee, who may propose amendments thereto, and said judge shall, within ten days after said bill is presented cause said bill, if necessary, to be corrected according to the true facts of the case, and shall sign the same and file it with the clerk of said court, who shall forthwith make a transcript of the files and entries in said case and certify such transcript with said bill of exceptions to the supreme court, who shall thereupon have full jurisdiction to determine the case. Assignments of error shall be made and filed as in cases upon a writ of error. If errors shall be found the supreme court shall reverse the order, so far as it affects the party appealing, and remand the case to

Bill of exceptions.

Assignments of error.

the recorder's court for further proceedings where the case admits of the same, and said court may permit all amendments needful to limit such further proceedings to the premises affected by such appeal and the persons interested therein, or for the same purpose to permit a supplemental petition to be filed, but in that case it shall not again be necessary to serve process or give due notice, unless it be necessary in order to bring in new parties. Said court may cause a new jury to be drawn and empaneled and the case may be proceeded with in like manner as upon an original petition. The appeal of one or more persons interested in a final order shall not in any way affect said order as to the other persons interested therein who did not appeal, nor as to any lands or interests in said lands in which the appellants have no interest.

Appeal to  
affect only  
those who  
appeal.

SEC. 16. Jurors in said proceedings, and all officers who shall render any services in said proceedings, shall be entitled to the same fees which are allowed for like purposes in ordinary cases of opening streets and alleys in said city, commenced in said recorder's court. And the persons appointed to represent absent or other respondents, as above provided, shall be paid such sum as the court may deem reasonable, and the said expenses shall be paid by the city in like manner and out of the fund above mentioned from which compensation for land taken is directed to be paid.

Fees of  
officers,  
jurors, etc.

SEC. 17. Within one year after the confirmation of the jury, or after judgment of confirmation shall be affirmed on appeal, the commissioner shall pay or tender to the respective persons entitled to receive the same the damages and compensation awarded for taking such private property, and in case any person shall refuse the same, be unknown, or a non-resident of said city, or cannot with reasonable diligence be found in said city, or for any reason deemed incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the commissioner may deposit the amount awarded in such case with the city treasurer, who shall on demand pay the same over to any person entitled and competent to receive it, taking their receipt therefor. Upon such payment, tender or deposit, the commissioner may enter upon, take possession of and convert such private property for the uses and purposes for which it was taken, and may remove all buildings, fences or other obstructions therefrom.

Payment of  
damages and  
compensation.

SEC. 18. The powers conferred by this act shall be exercised and carried out, except as herein otherwise provided, in compliance with the city charter and acts creating the board of estimates and the commissioner of parks and boulevards of said city.

Powers of  
this act, how  
exercised.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 730.]

AN ACT to provide for a service and disability pension to members of the police force in the city of Alpena, Alpena county, and to provide for a tax to pay the same.

*The People of the State of Michigan enact:*

Police, patrolmen, etc., retirement of.

SECTION 1. It shall be the duty of the board of police commissioners of the city of Alpena to retire from active service police patrolmen and officers of the police force of said city after a service of twenty-five years on said force.

Service pension, amount of.

SEC. 2. It shall be the duty of the city treasurer for the city of Alpena to pay to each retired member of the police force of the city of Alpena thirty dollars per month for each and every month after their retirement so long as they shall live.

Disability pension, amount of, etc.

SEC. 3. Any member of the police force who shall, within the line of duty receive injuries rendering him physically incapable of performing patrol duty, after having been found to be so incapacitated by three qualified physicians; one appointed by the member, one appointed by the board of police commissioners of said city with the city physician, shall be paid by the city in the manner prescribed in section one of this act, the sum of sixty dollars for each and every month during such period as they shall be physically incapable of performing the duty of patrolmen.

Tax clause.

SEC. 4. It shall be the duty of the common council of said city to raise by tax to be levied each year upon all of the taxable property in said city, sufficient funds to pay the amounts herein provided to be paid members of the police force of said city who shall have been retired from duty or incapacitated as hereinbefore stated.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 731.]

AN ACT to amend section two of an act, entitled "An act to incorporate the public schools of the village of Hudson," approved March twenty-five, eighteen hundred sixty-seven, as amended.

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. Section two of an act, entitled "An act to incorporate the public schools of the village of Hudson," approved March twenty-five, eighteen hundred sixty-seven, as amended, is hereby amended to read as follows:



SEC. 2. The officers of said district shall consist of six trustees, whose terms of office shall be three years and until their successors are elected and qualified, two of whom shall be elected by ballot at the annual meeting of said district to be held on the third Monday in June in each year: *Provided*, That said district may vote to hold its annual meeting on the fourth Monday in July. Within ten days after each annual meeting the trustees of said district shall meet and elect from their own number a president, secretary and treasurer, whose powers and duties shall be severally the same as those conferred upon and required of the moderator, director and assessor of school districts in this State, except so far as the same are varied or modified by the provisions of this act. Said board of trustees shall have power to fill any and all vacancies that may occur in their number or in the officers appointed by them until the next annual meeting of the district.

Trustees  
number and  
election of,  
term of  
office.

Proviso, time  
of annual  
meeting.

Powers and  
duties of.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 732.]

AN ACT to amend section eight of chapter three, section twenty-seven of chapter seven, section five of chapter sixteen, section three of chapter seventeen of act number three hundred ninety of the local acts of eighteen hundred eighty-five, entitled "An act to amend and revise the charter of the city of Port Huron, approved June seventeen, eighteen hundred eighty-five, and the amendments thereto."

*The People of the State of Michigan enact:*

SECTION 1. Section eight of chapter three, section twenty-seven, of chapter seven, section five of chapter sixteen, section three of chapter seventeen of act number three hundred ninety of the local acts of eighteen hundred eighty-five, entitled "An act to amend and revise the charter of the city of Port Huron, approved June seventeen, eighteen hundred eighty-five, and the amendments thereto," are hereby amended to read as follows:

Sections  
amended.

### CHAPTER III.

SEC. 8. The polls of election shall be opened at such hour, and closed at such hour as may be from time to time provided by the general laws of the State for the holding of elections.

Polls, open-  
ing and  
closing of.

## CHAPTER VII.

Preservation  
of general  
health.

Regulate  
slaughter  
houses.

SEC. 27. The common council shall have power to provide for the general health of the inhabitants of said city, to make regulations to secure the same, to prevent the introduction or spreading of contagious or infectious diseases, to prevent and suppress disease generally, to establish and maintain a hospital and pest house, and to compel persons sick with infectious and contagious diseases to be confined and treated in such hospital and pest house. The common council shall also have the power to regulate slaughter houses located within the limits of said city, and to prevent the location and carrying on of any slaughter house within said city, and for this purpose may pass such ordinance or ordinances as shall be necessary to carry into effect all the provisions of this section.

## CHAPTER XVI.

Board of  
review, of  
whom to  
consist; ap-  
pointment of,  
etc.

Compensa-  
tion.

Meetings.

May amend  
assessments,  
etc.

SEC. 5. The board of review shall consist of five resident electors of said city, no two of whom shall be from the same ward, to be appointed by the mayor, subject to the approval of the common council, on or before the third Monday in March in each year. The comptroller of the city shall be a member of said board as advisory thereto, and shall have a right to participate in its proceedings, but shall have no vote therein. The members of the said board so appointed shall receive a compensation not to exceed three dollars per day for the time they are so employed. Said board of review shall meet at the common council room in said city on the first Monday in April of each year, and shall continue in session from day to day, for two weeks. During the first week said board shall be in session from nine a. m. until four thirty p. m., and during the second week from one p. m. until four thirty p. m. and from seven p. m. until nine p. m. The board shall have power, and it shall be its duty to amend and correct any assessment or valuation, and to place upon the assessment roll of the proper ward, any taxable property, real or personal not already assessed, held or owned by any person or persons, and to strike from said roll any property, real or personal wrongfully thereon. Any persons considering themselves aggrieved by reason of any assessment may complain thereof, either verbally or in writing, before said board and on sufficient cause being shown by the affidavit of such person or oral proof or other evidence to the satisfaction of such board, it shall review the assessments complained of and may alter and correct the same as to the person charged thereby, the property described therein and the estimated value thereof, and may increase or diminish any assessment it may see fit. The concurrence of a majority of the board shall be sufficient to decide any question of

altering or correcting any assessment complained of. The board, or a majority of them, having completed the review and correction of said assessment roll, shall sign and return the same to the common council at a meeting of said council to be held on the third Monday in April. The board shall elect one of their own members as chairman and the city clerk shall be the clerk of said board. It shall be the duty of such clerk to keep a record of all the proceedings of said board in a book provided for that purpose, to make regular entries of all resolutions and decisions on all questions, to record the vote of each member of said board on any question submitted to the board, if required by any member present, and to file and preserve all petitions, affidavits and other written documents presented to the board. No assessment shall be changed in any way, except by a motion or resolution regularly put and adopted by a majority of the members of said board, which motion or resolution shall state the amount at which the assessment is fixed, as reviewed by said board. Each day's proceeding of said board shall be read, approved and signed by the chairman thereof: *Provided*, That the city assessors shall be required to be present during all the time the board of review is in session, to give such information as shall be required of them, but they shall have no voice in the deliberations of the board, and shall not vote on any question submitted to said board for determination. At the conclusion of the review of said rolls, said board shall prepare a signed statement, showing the amount in gross, and the addition or deductions made in total of the assessed valuations of the real and personal property made by them in the respective wards. No person other than members of said board, shall make any change upon or additions or corrections to said roll. Said board of review shall keep said rolls carefully in their custody during the time they are in session, and at the conclusion thereof, deliver said rolls to the comptroller of said city.

When assessment roll returned to council.

Record of proceedings, etc., kept.

Proviso, city assessors to attend meetings.

Statement, when prepared, what to show, etc.

When rolls delivered to comptroller.

## CHAPTER XVII.

SEC. 3. The bids received shall be opened and examined by the superintendent of public works, the comptroller and city clerk, and it shall be the duty of the superintendent of public works to report the same to the council at its next meeting, with an estimate of the amount necessary to be raised for incidental expenses, which said incidental expenses may include such amounts as may be necessary to secure the services of an expert in overseeing such improvement. The common council shall thereupon determine, by resolution the amount necessary to be raised for doing such work or making such improvement, including the incidental expenses, and shall submit to the board of estimates the question of raising such amount by special assessment, and of issuing bonds

Bids, by whom opened etc., report of.

Council to determine amount, etc.

Resolution  
presented to  
mayor for  
approval.

Vote neces-  
sary to  
defeat veto.

When council  
may award  
contract or  
reject bids,  
etc.

for such portion thereof as they may determine. Such resolution, if adopted, shall be presented to the mayor for his approval, and in case of his failure to approve such resolution, he shall return the same to the council with his reasons therefor, at the next regular meeting of the common council, or at a special meeting to be called for such purpose. Unless such common council shall pass such resolution over such veto, by a vote of two-thirds of the number of aldermen elect, such resolution shall fail. In the event of the approval of such resolution by the mayor or its adoption over his objections as herein provided, the same shall be presented to the board of estimates as above provided and in case of the resolution being approved by said board of estimates, the common council may award the contract to any responsible bidder, provided in the opinion of the common council he is a competent person to do such work, and gives the required bond, or the council may reject any or all bids and re-advertise for proposals one or more times.

This act is ordered to take immediate effect.

Approved June 27, 1907.

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[No. 733.]

AN ACT to legalize the action of the electors of fractional school district number eight, of the townships of Riley and Berlin, St. Clair county, Michigan, in constructing a school house.

*The People of the State of Michigan enact:*

Action of  
electors  
legalized.

SECTION 1. The action of the electors of fractional school district number eight, in Riley and Berlin townships, St. Clair county, Michigan, at a special meeting of the school district held July twenty-nine, nineteen hundred five, authorizing the district board to award a contract to Charles E. Green, director of said district, to construct a school house, according to plans, as the same might be changed by a building committee to be appointed by the moderator of said district, and the actions of the members of the board and said building committee in having said building constructed are hereby legalized and made valid in all particulars, and the director of said school district shall draw the necessary order or orders, which the moderator shall countersign and the treasurer pay for the building of said school house.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 734.]

AN ACT relative to raising money and issuing bonds therefor for the purposes of installing or extending a public lighting system and installing or extending a public water works system in the city of Sturgis.

*The People of the State of Michigan enact:*

SECTION 1. Hereafter the proposition of raising money and issuing bonds therefor for the purpose of installing or extending a public lighting system and installing or extending a public water works system in the city of Sturgis, St. Joseph county, Michigan, in accordance with the provisions of the charter law governing said city, shall be determined by a majority of the qualified electors of said city voting at a general or special election at which that proposition shall be submitted to them.

Determination  
of, when and  
by whom.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 735.]

AN ACT to amend section one of chapter thirty-eight of act number four hundred thirty of the local acts of eighteen hundred ninety-nine, entitled "An act to amend and revise the charter of the city of Battle Creek," approved June one, eighteen hundred ninety-nine, as amended by act number four hundred seventy-eight of the local acts of nineteen hundred three, approved May twenty, nineteen hundred three.

*The People of the State of Michigan enact:*

SECTION 1. Section one of chapter thirty-eight of act number four hundred thirty of the local acts of eighteen hundred ninety-nine, entitled "An act to amend and revise the charter of the city of Battle Creek," approved June one, eighteen hundred ninety-nine, as amended by act number four hundred seventy-eight of the local acts of nineteen hundred three, approved May twenty, nineteen hundred three, is hereby amended to read as follows:

Section  
amended.

## CHAPTER XXXVIII.

SECTION 1. No franchise shall hereafter be granted for a longer term than thirty years, and the right of the city to acquire such franchise, together with all the rights, privileges and property, both real and personal, owned or controlled

Franchise,  
term of,  
certain rights  
of city in-  
cluded in.

Proviso,  
when not  
obligatory to  
include rights  
of city.

and used in connection with the business to permit the prosecution of which said franchise was granted, at the termination of said term, and the method of determining the value thereof, shall in all cases be included in said franchise: *Provided*, That it shall not be obligatory upon the common council to provide in any franchise for the right to acquire the same together with the rights, privileges and property used in connection therewith when said franchise is granted for the purpose of permitting the building and operating within the city of Battle Creek of any railway, electric light, telephone or power line having its greatest mileage outside of said city.

This act is ordered to take immediate effect.

Approved June 27, 1907.

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[No. 736.]

AN ACT to amend section one of act number two hundred forty-nine, local acts of eighteen hundred seventy-one, entitled "An act to incorporate the city of Alpena," as amended.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section one of act number two hundred forty-nine, local acts of eighteen hundred seventy-one, entitled "An act to incorporate the city of Alpena," as amended, is hereby amended to read as follows:

Boundaries.

SECTION 1. So much of the township of Alpena, in the county of Alpena, as is included in the following described territory, to wit: The west half of section thirteen, the south half of sections fourteen, fifteen and sixteen, the whole of sections twenty-one, twenty-two and twenty-eight, and fractional sections twenty-three, twenty-four, twenty-six and twenty-seven, and that part of section thirty-four commencing at the meander post between sections twenty-seven and thirty-four of town thirty-one north, of range eight east, running thence westerly along the section line between said sections twenty-seven and thirty-four to a point where the south-westerly line of Mason street, if extended, would intersect said section line; thence south, thirty degrees east, along the southwesterly line of said Mason street, extended, to the shore line of Thunder Bay; thence northerly along said shore line of Thunder Bay to the point of beginning, in township thirty-one north, of range eight east, and the south half of fractional section thirteen and entire fractional section nineteen in town thirty-one north, range nine east, in the State of Michigan, is hereby set off from the township

of Alpena, and declared to be a city by the name of the city of Alpena, by which name it shall be hereafter known, and by that name may sue and be sued, implead and be impleaded, complain and defend in any court of competent jurisdiction, may have a common seal and alter it at pleasure, and may take, hold, purchase, lease, convey and dispose of any real, personal and mixed estate for the use of said corporation.

Body  
corporate.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 737.]

AN ACT to amend section three of title fifteen of act number two hundred seventy-one of the local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Holland," approved March eight, eighteen hundred ninety-three, as amended by the several acts amendatory thereof.

*The People of the State of Michigan enact:*

SECTION 1. Section three of title fifteen of act number two hundred seventy-one of the local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Holland," approved March eight, eighteen hundred ninety-three, as amended by the several acts amendatory thereof, is hereby amended to read as follows:

Section  
amended.

SEC. 3. The city shall have the power to produce, generate, furnish and sell such electricity and gas as may be desired in the city for lighting and heating public or private buildings, streets or grounds, and for motive power, or for any other purpose. The city shall also have power to authorize and direct the board of public works to enter into contract with any person, firm or corporation conducting under the laws of this State the business of producing and supplying electricity for purposes of lighting, heating and motive power, for the sale and transmission of electricity to the board of public works at such place or places within the city as said board may designate for the purposes of lighting, heating and motive power, and to direct the said board to sell and distribute such electricity to the city and to the inhabitants thereof: *Provided, however,* That no person, firm or corporation, shall have the right or privilege to construct and maintain in, along or across any street, alley or public place within the city any line of poles, wires and conduits for use in the transmission or distribution of electricity, nor to sell such electricity direct to any con-

City may  
produce, etc.,  
electricity,  
etc.

May contract  
for supplying  
electricity.

Proviso as to  
franchise, etc.

sumer within the city, without having first obtained from the common council a license so to do and a franchise designating the streets, alleys and other public places in the city for the locating of all poles, lines, wires and conduits, and also prescribing the manner and method of transmitting such electricity within the corporate limits of the city, and the schedule of prices to be charged the consumer therefor.

This act is ordered to take immediate effect.

Approved June 27, 1907.

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[No. 738.]

AN ACT to amend section two of chapter one of act number four hundred thirty-four of the local acts of the State of Michigan for the year eighteen hundred ninety-five, approved May twenty-four, eighteen hundred ninety-five, entitled "An act to incorporate the city of Three Rivers and to repeal act number one hundred and sixty-one of the session laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteen, eighteen hundred fifty-five, and all amendments thereto."

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section two of chapter one of act number four hundred thirty-four of the local acts of the State of Michigan for the year eighteen hundred ninety-five approved May twenty-four, eighteen hundred ninety-five, entitled "An act to incorporate the city of Three Rivers and to repeal act number one hundred and sixty-one of the session laws of eighteen hundred fifty-five, entitled 'An act to incorporate the village of Three Rivers,' approved February thirteen, eighteen hundred fifty-five and all amendments thereto," is hereby amended so that said section two of said chapter one of said act number four hundred thirty-four, as amended, shall read as follows:

## CHAPTER I.

Boundaries.

SEC. 2. That all that tract of country situate in the township of Lockport, in the county of St. Joseph and State of Michigan, bounded and designated as follows: Commencing on the township line between the townships of Lockport and Fabius, in said county, at the northwest corner of the southwest quarter of the southwest quarter of section number seven of said township of Lockport, and running thence



south, on the said township line between said townships of Lockport and Fabius, to the southwest corner of the northwest quarter of the southwest quarter of section number nineteen of said township of Lockport; thence east on the line between the north half and the south half of the south half of said section number nineteen, to the center of the St. Joseph river; thence south following the course of the center of said St. Joseph river to a point forty rods north of the south line of said section number nineteen; thence east, parallel with the south line of said section number nineteen and section number twenty of said township of Lockport, to the line between the east half and the west half of the west half of said section number twenty; thence north on the line between the east half and the west half of the west half of said section number twenty, to a point eight hundred eighty-five feet north of the east and west quarter line of said section number twenty; thence east ten hundred eighty feet; thence north to the center of the St. Joseph river; thence west ten hundred eighty feet, to the line between the east half and the west half of the west half of section number seventeen of said township of Lockport; thence north on the line between the east half and the west half of the west half of said section number seventeen and section number eight of said township of Lockport, to the northeast corner of the southwest quarter of the southwest quarter of said section number eight; thence west on the south half quarter line of said section eight and the south half quarter line of said section seven, to the northwest corner of the southwest quarter of the southwest quarter of said section number seven, the place of beginning, shall be and the same hereby is constituted a city corporate under the name of the city of Three Rivers, and subject to the municipal control of said corporation. City corporate.

This act is ordered to take immediate effect.

Approved June 27, 1907.

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[No. 739.]

AN ACT authorizing the council of the village of Shelby, in the county of Oceana and State of Michigan, to license, regulate, restrict and govern the sale of intoxicating liquors within the corporate limits of said village.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the village of Shelby, in the county of Oceana and State of Michigan, is hereby authorized and empowered to require an annual village li-  
village license, amount limited.

cense, not to exceed five hundred dollars, in addition to the State license for the same, of every person, except druggists, engaged in the business of furnishing, selling or offering for sale at retail any spirituous, intoxicating, malt, brewed, fermented or distilled liquors as a beverage, or any mixture or compound thereof, except proprietary patent medicines, within the corporate limits of said village, and to locate the place or places where such business shall be conducted.

Council may  
refuse issuing  
license.

SEC. 2. The common council of said village of Shelby is hereby authorized to examine and determine as to the character, habits and fitness of any person or persons wishing to engage in the business of selling intoxicating liquors as a beverage within the corporate limits of said village, and may refuse to accept the bond of such person or persons, if in their judgment the character and habits of such person or persons are such as to render them unfit to conduct such business.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 740.]

AN ACT to amend section one of act number five hundred two of the local acts of nineteen hundred three, entitled "An act to provide for the nomination of candidates for election by popular vote and relating to primary elections in Muskegon county and to repeal all acts and parts of acts inconsistent herewith," as amended by act number three hundred thirty-six of the local acts of nineteen hundred five.

*The People of the State of Michigan enact:*

Section  
amended.

SECTION 1. Section one of act number five hundred two of the local acts of nineteen hundred three, entitled "An act to provide for the nomination of candidates for election by popular vote and relating to primary elections in Muskegon county and to repeal all acts and parts of acts inconsistent herewith," as amended by act number three hundred thirty-six of the local acts of nineteen hundred five, is hereby amended to read as follows:

Primaries,  
when held.

SECTION 1. On the first Tuesday in September preceding any election at which members of the State legislature or officers of the county of Muskegon are to be elected, a primary election shall be held in the several townships of said county and wards of the cities of Muskegon, North Muskegon and Muskegon Heights, and at said primary elections the candidates for all the elective county officers, repre-

sentatives in the State legislature and all other elective county officers, excepting circuit judges, senators in the State legislature, members of the school boards, and all township officers who are to be voted for at the ensuing election shall be chosen by popular vote as hereinafter provided. On the fifth Tuesday preceding any charter or special election, a primary election shall be held for the nomination, by direct vote of the people, of all elective officers for the cities of Muskegon, and Muskegon Heights, except the elective members of the school boards of said cities.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 741.]

AN ACT to authorize the city of Saginaw to borrow money to be used in filling up low lands and bayous within the corporate limits of the city of Saginaw and to issue bonds therefor, and for assessing and collecting taxes therefor.

*The People of the State of Michigan enact:*

SECTION 1. The common council of the city of Saginaw is hereby authorized to borrow on the faith and credit of said city, after the same shall have been first approved by the board of estimates thereof, a sum not exceeding one hundred thousand dollars, for a period not exceeding twenty years, at a rate of interest not exceeding five per cent per annum, and to execute and sell the bonds of said city therefor, which bonds shall not be sold for less than par. Loan, amount of limited, term, bonds, etc.

SEC. 2. Said bonds shall be denominated "low land and bayou improvement bonds," and the proceeds shall be used for the purpose of filling up the low lands and bayous within the corporate limits of the city of Saginaw, and for no other purpose. Bonds, name of, etc.

SEC. 3. The cost of such improvement for filling up said low lands and bayous shall be borne and defrayed by an assessment upon said lands to be specially benefited thereby, and said assessment and taxes shall be assessed and levied pursuant to the charter of the city of Saginaw, for making and levying of taxes for street and public improvements. Tax clause.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 742.]

AN ACT to authorize the board of education in the city of Flint, State of Michigan, to regulate the uniformity of and to provide free school textbooks in the public schools of said city.

*The People of the State of Michigan enact:*

Textbooks,  
selection  
etc., of.

Proviso,  
approval of  
certain books.

Prices to be  
paid for text-  
books.

Proviso.

Annual esti-  
mate, to  
whom re-  
ported, etc.

Repealing  
clause.

SECTION 1. The board of education in the city of Flint is authorized to select and adopt textbooks for said city and to provide free textbooks for all pupils enrolled and for all subjects taught in the schools of said city: *Provided*, That the textbooks on the subjects of physiology and hygiene must have been approved by the State Board of Education and in every way comply with the provisions of section four thousand six hundred eighty of the Compiled Laws.

SEC. 2. It shall be the duty of the board of education, in purchasing free textbooks, to make contract with some dealer or publisher to furnish the textbooks used in said city at a price not greater than the net wholesale price of such books: *Provided*, That the city may, if it so desires, authorize the board of education to advertise for proposals before making such contract.

SEC. 3. The board of education shall have authority to make and prepare annually an estimate of the amount of money necessary to be raised to comply with the conditions of this act and to vote such sum, which shall then be reported to the proper assessing officers of the city, in addition to the amount of money regularly raised for school purposes in said city, and said tax, when reported to the assessing officers, shall be assessed and collected in the same manner as all other school taxes are assessed and collected.

SEC. 4. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 743.]

AN ACT to amend section twenty-one of act number two hundred nineteen of the session laws of eighteen hundred seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-first, eighteen hundred seventy-three, as amended.

*The People of the State of Michigan enact:*

SECTION 1. Section twenty-one of act number two hundred nineteen of the session laws of eighteen hundred seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-first, eighteen hundred seventy-three, as amended, is hereby amended to read as follows: Section amended.

SEC. 21. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation and keep an account of all receipts and expenditures thereof. He shall designate and determine the bank or banks in which he shall keep and deposit the funds of said city, and shall pay over to said city all interest received from or accruing upon such deposits. He shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund endorsed thereon by the clerk. The treasurer may also, subject to the approval of the council, appoint a deputy who shall possess all the powers and authority of the treasurer, subject to the control of the treasurer, and the treasurer and his bondsmen shall be liable for the acts and defaults of such deputy. Such deputy shall be paid for his services by the treasurer unless otherwise provided by the council, and such deputy may be removed at the will of the treasurer. Whenever a vacancy shall occur or exist in the office of the treasurer of said city, such deputy shall in all things execute the office of city treasurer until a city treasurer shall be elected at the next ensuing regular city election, and shall have duly qualified; and any default or misfeasance in the office of said deputy treasurer in the meantime, as well as before, shall be deemed to be a breach of the bond given by the treasurer who appointed him. The city treasurer shall be the collector of State and county taxes within the city, and all other taxes and assessments Treasurer, powers and duties of. May appoint deputy. Vacancy, in case of.

Monthly  
reports.

Annual re-  
port, filing  
and publish-  
ing of, etc.

Public  
moneys for  
private use,  
prohibited.

Violation  
subject to  
removal.

levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe, and as provided by this act. The treasurer shall render to the clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report, and the council may at any time when they shall deem it advisable, cause such report to be verified by a personal examination of the books, warrants, vouchers and city moneys in the possession of the treasurer. He shall also exhibit to the council annually on the first Monday in April, and as often and for such period as the council shall require a full and detailed account of his receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited, and out of which such disbursements are made, and the balances remaining in each fund, which account shall be filed in the office of the clerk and shall be published in one or more of the newspapers of the city. The said treasurer shall take receipts and vouchers for all moneys paid from the treasury, showing the amount and fund from which payment was made, and he shall exhibit to the council such receipts and vouchers on the first Monday of April in each year, or as often as the council shall require; as provided in the next preceding section. The city treasurer shall keep all moneys in his hands belonging to the city and for the public library, separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants or evidences of debt, or of the library funds in his custody or keeping, for his own use or benefit or that of any other person. Any violation of this section shall subject him to immediate removal from office by the council, and the council is hereby authorized to declare the office vacant.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 744.]

AN ACT to exempt the township of Stambaugh in the county of Iron from the operation of an act, entitled "An act to provide for adjustment of rights and liabilities on division of territory of cities and townships," with reference only to townships forty-four and forty-five north of range thirty-seven west of the Michigan meridian.

*The People of the State of Michigan enact:*

SECTION 1. The township of Stambaugh in the county of Iron is hereby exempt from the operation of the provisions of an act, entitled "An act to provide for adjustment of rights and liabilities on division of territory of cities and townships," with reference only to townships forty-four and forty-five north of range thirty-seven west of the Michigan meridian, which territory was detached from the township of Iron River in the county of Iron and attached to the township of Stambaugh in said county.

Exempt from operation of certain act.

This act is ordered to take immediate effect.

Approved June 27, 1907.

## [No. 745.]

AN ACT to provide for the election of a county drain commissioner in and for the county of Midland, prescribe his powers and duties and fix and provide for his compensation.

*The People of the State of Michigan enact:*

SECTION 1. At every alternate biennial election to be held on the Tuesday succeeding the first Monday in November, beginning in the year nineteen hundred eight, and each four years thereafter, there shall be chosen in Midland county in said State of Michigan, by the qualified electors thereof, on the same ticket as the other county officers, a county drain commissioner, whose term of office shall begin on the first day of January following his election and continue four years. Before entering upon the duties of his office said duly elected drain commissioner shall take and file with the county clerk the constitutional oath of office and shall also file a bond in the penal sum of six thousand dollars, conditioned on the faithful discharge of the duties of his office, which bond, before filing, shall have been approved by the board of supervisors. It shall be the duty of the county clerk to make report to the Secretary of State of the

County drain commissioner, when elected, term of office.

To file oath and bond, etc.

election and qualification of the county drain commissioner, as a part of the report of the election and qualifications of the county officers.

Appointment  
of, by whom,  
term of  
office.

SEC. 2. The board of supervisors of said Midland county shall at its October session in the year nineteen hundred seven appoint, in the same manner as now provided by law, a county drain commissioner to hold such office until January one, nineteen hundred nine, or until a county drain commissioner is elected and qualified as provided in section one of this act.

Vacancy, by  
whom filled,  
etc.

SEC. 3. In case of a vacancy occurring in the office of said county drain commissioner, caused either by resignation, removal from the county, death or otherwise, it shall be the duty of the county clerk, county treasurer and probate judge of the county to fill such vacancy by appointment under their hands and seals; which said appointment shall be filed in the office of the county clerk of said county. Such appointee shall take and subscribe and file the constitutional oath of office, and give the bond as required in this act, and shall hold his office until the next general election, or until his successor shall be elected and ~~qualify~~ as herein provided.

Powers and  
duties.

SEC. 4. The said county drain commissioner shall be vested with the same powers and perform the same duties as now are or may be hereafter prescribed by the general drain laws of the said State of Michigan, subject to such restrictions and limitations as now are or may hereafter be prescribed by statute.

Salary and  
expenses, how  
paid.

SEC. 5. The county drain commissioner of Midland county, elected under the terms and provisions of this act, shall receive an annual salary of one thousand dollars, to be paid monthly out of the general fund of said county, and traveling expenses, not to exceed the sum of two hundred dollars per annum.

Nomination of  
commissioner.

SEC. 6. The county drain commissioner shall be nominated at the same time and manner as other county officers.

This act is ordered to take immediate effect.

Approved June 27, 1907.



[No. 746.]

AN ACT to authorize the board of education of the city of Saginaw, East Side, Michigan, of the city and county of Saginaw, and State of Michigan, to borrow money and issue bonds in the sum of twenty-five thousand dollars, to be used in the erection and equipping of a school in the twelfth ward, in the eastern taxing district of the city of Saginaw.

*The People of the State of Michigan enact:*

SECTION 1. The board of education of the city of Saginaw, East Side, Michigan from and after the passage of this act, is hereby authorized and empowered to borrow on the faith and credit of the eastern taxing district of the city of Saginaw, after the same shall have been first approved by the board of estimates thereof, said eastern taxing district being the portion of the city of Saginaw, constituting the school district over which the board of education of the city of Saginaw, East Side, Michigan, has control, a sum of money, not exceeding twenty-five thousand dollars, for a term not in excess of ten years from date of issue, at a rate of interest not exceeding five per cent per annum, payable semi-annually or annually, at such place or places as the board of education may determine, and to make and execute the school bonds of the eastern taxing district of the city of Saginaw therefor, in such form as the board of education may, by a majority vote of all the members elect, of said board determine, and to provide for the payment of the same; and said board of education is further authorized to issue, negotiate and sell such bonds from time to time, upon the best terms as may be obtained: *Provided, however,* That no such bonds shall be sold upon any terms that will make the rate of interest upon the principal of said bonds more than five per cent per annum.

Loan, term and interest.

Bonds, issue and sale of.

Proviso as to terms.

SEC. 2. The money borrowed under the provisions of this act shall be applied as follows, viz.: To the construction and equipment of a school for the twelfth ward of the city of Saginaw, in the eastern taxing district of the said city of Saginaw.

Moneys, how applied.

SEC. 3. Said board of education shall have the power and it shall be its duty to raise by tax upon the taxable property of the eastern taxing district of the city of Saginaw, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due; and said board shall, by resolution, determine from time to time the amounts due and owing on said bonds in the same manner as is now provided for the raising of money for other school purposes in section nine of the charter of the board of education of the city of Saginaw, East Side, Michigan, and whenever the said board shall have made the

Levy and collection of taxes for payment of bonds.

and the interest due thereon, the secretary of the board shall certify the same to the assessor or other proper officer or officers of said city of Saginaw, whose duty it may be to assess and extend the taxes of said city, and the city assessor or other officer or officers whose duty it shall be to extend the ordinary city taxes shall levy the sum or sums so determined and certified to him as the amount due on said bonds and the interest thereon, upon the taxable property of the school district, the eastern taxing district of the city of Saginaw, at the same time and in the same manner as the taxes for other city and school purposes are assessed, and when collected be placed in a separate column on said rolls from any other taxes, to be headed "School tax," and shall become and remain a lien upon the property on which the same is levied, in the same manner, to the same extent, and shall be collected in the same manner as is now provided for taxes raised for ordinary city and school purposes. Said moneys shall be distributed and expended by the authority of the said board of education for the purposes for which they were raised, and for no other.

Bonds exempted from other taxes.

SEC. 4. These bonds when issued shall be exempted from all municipal and other tax under the laws of this State, as is provided for exempting city and board bonds from taxation by section twenty-six, title twenty-four of the city of Saginaw charter.

This act is ordered to take immediate effect.

Approved June 27, 1907.

[No. 747.]

AN ACT to authorize the township of Crystal Lake, Benzie county, to borrow not to exceed twelve thousand dollars for public purposes, and to issue the bonds of the township therefor.

*The People of the State of Michigan enact:*

Amount of loan and issue of bonds.

SECTION 1. The township board of the township of Crystal Lake, Benzie county, is hereby authorized to borrow not to exceed twelve thousand dollars on the faith and credit of the said township and to issue the bonds of said township therefor, the said sum to be expended for public improvements: *Provided*, That a majority of the qualified electors of said township shall vote in favor of said loan.

Proviso, question submitted to electors. When question submitted.

SEC. 2. The question of making such loan and issuing bond therefor shall be submitted to the electors of the township at such regular or special election as the township

shall be as follows:

Shall the township of Crystal Lake borrow not to exceed twelve thousand dollars for public improvements? Yes. [ ].  
No. [ ].

And the electors shall designate their choice by making an X in the proper square on said ballot. The election shall be conducted in all respects as other township elections.

SEC. 3. In case a majority of the electors voting on the proposition shall vote in favor thereof, the said sum may be borrowed for the purpose aforesaid. The bonds shall be signed by the supervisor of the township and countersigned by the clerk thereof, and shall be made payable at such places and times, not exceeding thirty years from date, and in such denominations and at such rate of interest, not exceeding six per cent, as the said township board may determine. The said bonds shall be negotiated by and under the direction of the said township board, but shall not be sold at less than their face value.

Moneys, when  
may be  
borrowed.  
Bonds, when  
payable, rate  
of interest,  
etc.

SEC. 4. The said township board is hereby authorized to levy and collect from time to time, on the taxable property of said township, such sums as shall be necessary to pay said bonds and the interest thereon as the same shall fall due.

Tax clause.

This act is ordered to take immediate effect.  
Approved June 27, 1907.

[No. 748.]

AN ACT to amend sections twenty-four, twenty-five, twenty-six, twenty-eight and thirty-one of title nine of act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the board of education and board of library commissioners," and to add a new section to be known as section thirty-two.

*The People of the State of Michigan enact:*

SECTION 1. A new section to be known as section thirty-two is hereby added to title nine of act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the board of education and board of library commissioners," and sections twenty-four, twenty-five, twenty-

Section  
added.

six, twenty-eight and thirty-one are hereby amended to read as follows:

Police and firemen, compensation to, for injuries, etc.

SEC. 24. Said board shall have power to allow compensation to members of the police and fire departments for lost time occasioned by injuries incurred or sickness contracted while in the discharge of their duties as members of either department, and such compensation shall be equal to, and shall not exceed the regular pay of such disabled or sick member, and shall continue during the entire period of such disability or sickness. The common council shall, upon the recommendation of said board, provide suitable compensation for any injury or injuries that any fireman, policeman or member of the police or fire departments may have received or shall hereafter receive, in his person or property, resulting from the performance of his duty as fireman, policeman or member of the police or fire departments. The amount of such compensation shall be ascertained and fixed by said board and shall be paid from the general or contingent fund of the city.

By whom fixed.

When placed on retired list.

SEC. 25. Any person who has been a member of the police or fire departments of the city of Grand Rapids so that his combined service in either or both of said departments shall have been for a period of twenty years subsequent to the first day of June, eighteen hundred seventy-five, or who has been employed by the board of police and fire commissioners of the city of Grand Rapids for a period of twenty years, subsequent to the first day of June, eighteen hundred seventy-five, shall, if his health or physical condition becomes so impaired as to make him incapable of attending to his ordinary duties, or if he becomes permanently disabled, be placed by said board on the list of policemen and firemen retired on account of disability arising from injuries received or sickness occasioned by exposure while in the active discharge of his duties: *Provided*, That it shall require a certificate of such impairment of health or disability signed by the city physician and one other physician, and surgeon selected by the said board. Any person in the employment of said board of police and fire commissioners who may hereafter be totally and permanently disabled while in the discharge of his duty as such policeman or such fireman, shall, in like manner, be placed on the list of retired policemen and firemen; and all such retired policemen and firemen shall receive annually thereafter a sum equal to one-half of the amount paid to full paid firemen and policemen, filling like positions at the time of their retirement, to be paid in monthly payments during the remainder of their natural lives, such moneys to be collected and paid as hereinafter stated: *Provided*, That in case any such retired policeman or fireman shall be under guardianship during such disability, the payments herein provided shall be made to the guardian or guardians of such person while such guardianship shall continue.

Proviso, certificate of disability required

Total disability.

Pension, amount of, when paid, etc.

Proviso as to guardianship.

SEC. 26. In case any person in the employ of the board of police and fire commissioners of the city of Grand Rapids shall be killed while in the discharge of his duties, or receive injuries which shall result in his death, the wife, or if there be no wife, the children, or if there be no wife or children, the dependent parent or parents of such person, shall, by said board, be paid a pension for the period of five years as follows: The wife shall receive the sum of three hundred dollars annually, in monthly installments of twenty-five dollars, during the term of five years, or until she remarries or dies, in which case all payment of moneys under this act to such widow shall cease, and all such moneys thereafter payable shall be prorated and paid in monthly installments to such surviving children as shall be under the age of sixteen years at the time of the remarriage or death of the widow, for the unexpired portion of such five year period, or until such child or children shall have attained the age of sixteen years, when such payments shall cease. If there be no widow or children, then the dependent parents or the survivor, shall receive the same benefits as are provided in this title for the widow. The moneys for the payment of such pensions shall be collected and paid in the manner hereinafter provided.

Pension in case of death, period and amount of.

SEC. 28. There shall be kept in the office of the board of police and fire commissioners, by the secretary of the board, a book to be known as the list of retired policemen and firemen which shall give a full and complete history and record of the action of said board in retiring any and all persons under this title, their names, date of joining the department, date of retirement, and the reason therefor, of any and all persons retired. When the widow or children, or parent or parents, or either of them shall be entitled to a pension as herein provided, such widow or the guardian of such children, or parent or parents, shall make application for a pension to the board of police and fire commissioners through the secretary of such board on a form to be provided by such board. Accompanying such application shall be the proof of the marriage of the deceased with the widow of the claimant, to be established by the marriage certificate or other competent evidence of the marriage relation. Proof of the date of birth of the children shall be shown by the certificate of the attending physician or other competent evidence, or in the case of the parent or parents, satisfactory proof of the parentage shall be shown. When any such application shall be made by any guardian, proof of guardianship shall be made to such secretary. All applications and proof shall be retained in the custody of the board of police and fire commissioners, and whenever such applications for pensions are allowed by the board, due notice of such action, with the names of all pensioners, shall be given to the comptroller, who shall cause the names of such persons to be registered in his office as

List of retired police and firemen to be kept, etc.

Application for pension by widow, etc.

Certain proofs attached.

Notice of allowed pensions, to whom given, etc.

Pensioners  
subject to  
examination.

When dropped  
from roll.

Pension, etc.,  
awarding of,  
to be ap-  
proved by  
board.  
Discontinu-  
ance of, etc.

SEC. 31. Before issuing any voucher for the payment of a pension, it shall be the duty of the secretary of the board of police and fire commissioners to examine, under oath, all pensioners, to ascertain if they are at the time entitled to a pension as provided for in this title, and whenever the board shall learn that any person has ceased to be entitled to a pension it shall cause the secretary to record the fact on the roll of pensioners and notify the comptroller of such disability and thereupon such person shall be dropped from the said rolls.

SEC. 32. In no case, however, shall any pension, compensation or award be granted unless it be approved by the vote of a majority of the members of the board of police and fire commissioners, and by like vote, said board may, at any time, for just cause, and after a hearing has been granted to the parties in interest, discontinue compensation for disability or for lost time occasioned by injuries incurred while in the discharge of duties, in which case a full and complete statement of the findings of said board, signed by its president and secretary, shall be filed and kept in the office of said board.

This act is ordered to take effect July one, nineteen hundred seven.

Approved June 28, 1907.

[No. 749.]

AN ACT to amend sections one, five and ten of title two, section eleven of title three, sections one, three, nine and thirteen of title four, sections five, six, seven, thirteen, nineteen, twenty-seven, twenty-eight, thirty and thirty-two of title five, section fourteen of title six, sections ten, eleven, thirty-four, thirty-five, thirty-six and thirty-seven of title seven, sections six and ten of title eight, section four of title thirteen, sections eleven and twelve of title fourteen, section five of title sixteen of act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the board of education and board of library commissioners," approved June six, nineteen hundred five, and to repeal section eight of title two and section thirty-one of title five of said act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts

controlling the board of education and board of library commissioners," approved June six, nineteen hundred five.

*The People of the State of Michigan enact:*

SECTION 1. Section eight of title two and section thirty-one of title five of act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the board of education and board of library commissioners," approved June six, nineteen hundred five, are hereby repealed; and sections one, five and ten of title two, section eleven of title three, sections one, three, nine and thirteen of title four, sections five, six, seven, thirteen, nineteen, twenty-seven, twenty-eight, thirty and thirty-two of title five, section fourteen of title six, sections ten, eleven, thirty-four, thirty-five, thirty-six and thirty-seven of title seven, sections six and ten of title eight, section four of title thirteen, sections eleven and twelve of title fourteen, section five of title sixteen of said act number five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also, as part of such charter, the acts controlling the board of education and board of library commissioners," approved June six, nineteen hundred five, are hereby amended to read as follows:

**TITLE II.**

**ELECTION AND APPOINTMENT OF OFFICERS.**

**OFFICERS OF CITY (AND QUALIFICATIONS REQUIRED OF).**

SECTION 1. The officers of said city shall be a mayor, city attorney, treasurer, comptroller, clerk and two aldermen from each ward. All of the aldermen of said city shall be ex officio members of the board of supervisors of Kent county. No person shall be eligible to any of said offices unless he shall be an elector and resident of said city, nor shall he be eligible to any office for any ward unless he shall then be an elector and resident of said ward, and when any officer hereinbefore mentioned shall cease to reside in said ward or city, his office shall thereby become vacant: *Provided*, That it shall not be competent for any city officer to hold two offices at one time, the salary or compensation for which is paid by the city government or any department thereof. But this provision shall not be construed to prevent an alderman from receiving compensation for services on the board of registration or the board of inspectors of election

Sections  
repealed.

Sections  
amended.

Who  
eligible.

Proviso,  
holding two  
salaried  
offices.

Aldermen  
may receive  
compensation  
for certain  
service.

or compensation for services performed on the board of supervisors, or for the duties of a supervisor performed by him, for which he shall be paid the same as other supervisors and in the same manner.

#### ELECTION OF CITY OFFICERS, ETC.—WHO ELIGIBLE.

When  
elected.

SEC. 5. At the first annual election after the passage of this act and every two years thereafter, there shall be elected by the electors of the whole city one mayor, one city attorney, one clerk of the superior court and one clerk of the police court, each of whom shall hold his office for the term of two years from and including the first Monday of May thereafter, and until his successor is elected and qualified. At the second annual election and every two years thereafter, there shall be elected by the electors of the whole city one treasurer, one clerk, one comptroller and one clerk of the justice courts, each of whom shall hold his office for the term of two years from and including the first Monday of May thereafter, and until his successor is elected and qualified: *Provided*, That no person shall be elected or appointed to any office created by this act who shall, after June six, nineteen hundred one, have become a defaulter to said city or to the State of Michigan or to any county, city or village therein, or who shall use public funds under his control, contrary to law; and any person shall be considered a defaulter who shall refuse, for sixty days after demand, to account for and pay over to the officer, board or body authorized to receive the same, any public money which has come into his possession.

Proviso as to  
defaulter.

#### WHEN OFFICES MAY BE DEEMED VACANT AND HOW FILLED.

Death, resignation,  
etc.

SEC. 10. An office shall be deemed vacant upon the death or resignation of the incumbent or upon such incumbent ceasing to possess the qualifications of an elector of the ward or city, or upon impeachment or removal from office, or upon the failure of an officer elected to qualify. The office of mayor, city attorney, city treasurer, comptroller and clerk shall be deemed vacant whenever the incumbent thereof shall be impeached or removed, as in this charter provided, or shall be absent from the city for a period of thirty days without leave of the common council, or shall not perform the duties of his office for a like period without such leave. The office of alderman shall be deemed vacant whenever the incumbent thereof shall cease to be a resident of the ward from which he was elected, or fails to attend four successive regular meetings of the common council, unless excused by the common council or by the consent of the mayor first obtained, or shall be removed from office; but a change of the boundaries of any ward shall not be deemed a change of residence of any alderman so as to create or cause any va-

Mayor, etc.,  
impeached,  
removed, etc.

Alderman,  
ceasing to be  
resident of  
ward.



failure of any person elected to qualify therefor, as prescribed in this charter, or made consequent upon the judgment of any court or upon any failure to elect or qualify in any of the cases specified in this charter, must be filled in the following manner, unless otherwise specially provided in this act:

(a) In the office of alderman, by an election of the common council, to continue until the appointee's successor shall be elected and qualified.

(b) In any of the general elective offices of the city, by an election by the common council until the successor of such officer whose office has become vacant, shall have been elected at the next general municipal election and qualified.

(c) In all appointive offices by the appointment of the mayor for the unexpired term of office which has become vacant, subject to confirmation by the council in those cases where confirmation is required of the original appointment.

### TITLE III.

#### POWERS AND DUTIES OF THE COMMON COUNCIL. OFFICERS, ELECTION OF, ETC.

SEC. 11. To provide for and regulate the election and appointment of all officers and for their removal from office, and the filling of vacancies, and to select a sergeant at arms on the first Monday of May of each year for a period of one year, who shall attend all sessions of the common council and perform such duties therein as may be designated by it.

Sergeant at arms, when appointed.

### TITLE IV.

#### FRANCHISES AND MUNICIPAL OWNERSHIP. GRANTING OF RIGHTS IN STREETS BY COMMON COUNCIL.

SECTION 1. The common council may by ordinance adopted by the affirmative vote of two-thirds of all the aldermen elect, grant rights in, over, upon or under any street, alley or public place for the purpose of constructing or operating street railways, railways or for telephoning or telegraphing or transmitting electricity or transporting by pneumatic tubes or for constructing conduits or for furnishing to the city or its inhabitants, or any portion thereof, water, light or heat or to give the use of public streets, alleys and highways to persons, firms or corporations engaged in the manufacture, transmission and distribution of electricity for lighting, heating and power purposes. But no such rights shall be given, held or exercised under any general or special act of the legislature and only in the city of Grand Rapids, by or

Franchises.

this section provided; also subject to all limitations and conditions in this charter contained.

WHEN TO TAKE EFFECT.—PRICE TO BE FIXED,—LENGTH OF TIME.  
—DOING OF—FORFEITURE.

SEC. 3. The maximum price for service or charge shall be stated in said ordinance. No franchise shall be granted for a longer period than twenty years. No ordinance granting any franchise shall take effect within thirty days after the first publication thereof. In case the ordinance is an amendment to or is supplemental to an existing ordinance, such amended or supplemental ordinance shall terminate at the time limited in the original ordinance. Application for a renewal of an existing ordinance shall be made at least one year prior to the granting thereof, except during the last year for which said ordinance runs. No franchise shall be granted without fair compensation to the city therefor, and in addition to the other forms of compensation to be therein provided, the grantee may be required to pay annually to the city such percentage of the gross receipts arising from the use of such franchise and of the plant used therewith as may be fixed in the grant of such franchise. But this provision shall not exempt the grantee from any lawful taxation upon his property, nor from any licenses, charges or impositions not levied on account of such use. All franchisees shall be subject to taxation as an asset, apart from the physical properties of such utilities. No franchise shall be granted which shall not, by its terms, go into effect within one year after its passage. Failure on the part of the grantee to place in actual operation the business covered by his franchise for one year, shall work a forfeiture of such franchise. No perpetual franchise shall ever be granted.

Application  
for renewal.

Subject to  
taxation.

ACCEPTANCE OF FRANCHISE—WHERE TO BE FILED.

When filed.

SEC. 9. Every grantee of every franchise shall file in the office of the city clerk a written acceptance of the same within sixty days of the time said franchise is granted by the common council or within thirty days from the time the same is approved by the people, if voted upon, and in default thereof, all rights under said franchise shall lapse. Such acceptance shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained in the ordinance granting the same, as well as the provisions of this charter: *Provided*, That in case of amendments to existing franchises, the acceptance of said amendments shall not be deemed an acceptance of the provisions of this title as applied to the terms of existing franchises or of such amendments thereto.

Proviso,  
amendments  
to existing  
franchises.

SEC. 13. The council cannot waive any of the provisions of this title. In case a franchise does not cover the provisions herein contained, such omission shall not be considered a waiver thereof. All the provisions of this title shall be considered a part of every franchise hereafter granted and of all renewals or extensions of franchises: *Provided*, That amendments may be made to existing franchises which do not extend the life of such franchise, and which amendments shall not themselves extend over a longer period of time than that covered by said franchises, without bringing such franchise, in other regards, or such amendments under the purview of this title.

Provido, -  
amendments  
not extending  
life of  
franchise.

## TITLE V.

### POWERS AND DUTIES OF CITY OFFICERS.

#### WARRANTS ON CITY TREASURER—RECORDS TO BE KEPT BY COMPTROLLER.

SEC. 5. All moneys drawn from the city depositary for city purposes shall be drawn by warrants or checks upon the city treasurer, signed by the clerk and countersigned by the comptroller of said city. All warrants or checks drawn in pursuance of an order from the common council, which warrants or checks shall be signed by the clerk and countersigned by the comptroller, shall be drawn upon the city treasurer as aforesaid, who shall endorse them as payable at the city depositary and every such warrant or check shall specify for what purpose the amount therein named is paid, and out of which particular fund such amount is payable, and the comptroller shall keep an accurate account, under appropriate heads of all expenditures, orders and warrants or checks drawn in accordance herewith in books to be kept for that purpose, which books shall be furnished by the city, belong to and be a part of its public records.

By whom  
signed.

By whom  
endorsed.

#### WARRANTS ON CITY DEPOSITARY.

SEC. 6. On the order of the common council it shall be the duty of the city comptroller after the expiration of twenty-four hours next following any regular or special session of the common council, at which any claim or demand against the city has been allowed, to draw warrants or checks upon the city treasurer for all claims and demands against said city allowed at any such regular or special session of the common council, said warrants or checks to be made payable to such claimant or claimants, as mentioned, which

Proviso,  
claims  
vetoed, etc.

treasurer as payable at the city depository: *Provided*, That no item or items of such claims or demands shall be included in such warrant or check drawn therefor, to the allowance of which by the common council, the mayor shall have interposed his veto in the manner provided for in this act, nor shall any item or items of such claims or demands, for the payment of which there are not sufficient funds out of which the same may be lawfully paid.

#### COMPTROLLER TO MAKE REPORT TO COMMON COUNCIL.

SEC. 7. The city comptroller shall, at the first regular meeting of the common council of said city in each month, report in writing to said common council all the appropriations and payments made out of the several funds of the city, or other disposition of the same, and the amount of all warrants or checks drawn as aforesaid, which have not been called for within thirty days after the countersigning of such warrants or checks, together with the name of the person to whom each of said warrants or checks are payable, and out of what city funds it is payable. Upon the receipt of such report, the said common council shall have power to order the cancellation of such warrants or checks for which no demand has been made: *Provided*, That any such cancellation shall not be taken or held to impair or render void the legality of any such claim or demand.

Cancellation  
of claims,  
etc., not  
demanded.

Proviso,  
cancellation  
not to im-  
pair claim.

#### ORDERS FOR PAYMENT OF MONEY TO BE DRAWN BY COMPTROLLER.

SEC. 13. Said comptroller shall countersign all orders for the payment of money out of the city depository or depositories, drawn upon the city treasurer, and the same shall be drawn and delivered by him at his office, and he shall perform such other duties as are prescribed in this act, or as the common council may by ordinance or otherwise prescribe.

#### DUTIES OF TREASURER AND COMPTROLLER IN HANDLING FUNDS.

SEC. 19. The amount of tax rolls, general, special or otherwise, shall be entered upon the books of the comptroller. The charges placed against the city treasurer's office from said rolls shall be verified by the city comptroller. The collections shall be reported each day by the comptroller, not by item, but by totals, stating the name of the roll to which the collection is to be credited. A statement shall be made by the comptroller to the treasurer, showing the balance remaining unpaid upon each roll, at the end of each month. This period includes the time when the rolls are returned, as well as when they are subject to redemption, and when they are offered for sale. This statement, after being filed

Monthly  
statements.

with the treasurer, shall be verified by the treasurer's department for the purpose of ascertaining whether or not the amount as reported by the comptroller is in accordance with the various items unpaid upon the several rolls. All transactions pertaining to the financial department of the city shall be reported in detail from the department authorized to transact such business. These reports shall be filed with the comptroller, the money to be paid direct to the treasurer upon order issued from the several departments. The money so received shall be placed upon the report of the treasurer to the comptroller. These reports shall be verified by the reports sent in direct from the several departments in which the business was transacted. The moneys paid into the treasury, which the comptroller finds from the various reports filed in his office, shall be a charge to the city treasurer. The only release from this charge shall be a certificate filed in the comptroller's office by the city depositary, for money deposited therein, signed by the proper authority. This certificate shall be a credit to the treasurer and a charge to the city depositary. All disbursements shall be listed by the comptroller on the report, made for that purpose, which is presented to the common council for their approval. After the said accounts have been listed on said report, the comptroller shall draw warrants or checks for the individual items upon said report against the city treasurer, who shall endorse said warrants or checks as payable at the city depositary or depositaries. The orders drawn shall be signed by the city clerk and countersigned by the city comptroller.

Report of  
financial  
transactions,  
where filed.

Disbursements  
listed on  
report.

#### DUTIES OF BOARD OF PUBLIC WORKS.

SEC. 27. The board of public works shall report monthly to the common council the condition of the streets, highways, alleys, lanes, courts, public places, public grounds, sidewalks and public sewers, and if any of them are out of repair, make report of such fact, with the nature of the defect, and the place where located, together with an estimate of the expense of repairing the same. The common council, on receiving such report, may direct such board to make or cause to be made the necessary repairs and shall provide the means therefor, and direct such board to charge the same to the adjoining property. If the defects are of such a nature as to be immediately dangerous to persons or property, it shall be the duty of such board to cause such repairs to be made immediately, and report the same to the common council at its next meeting thereafter, together with the expense thereof, certified to by the secretary of such board, and the common council shall provide for the payment thereof, and in cases where authorized by the provisions of this act, may direct such expense to be charged to the adjoining property.

Monthly  
reports.

Immediate  
repairs of  
dangerous  
defects.

Accounts to be certified, where filed, when reported.

Records, keeping of.

SEC. 28. All accounts of expenditures made by said board of public works in the performance of the duties prescribed by the preceding section shall be certified by it and made in triplicate, one of which shall be filed in its office and the others in the offices of the treasurer and comptroller respectively. Such accounts shall be reported to the common council at its next regular meeting after such expenditures shall have been made. It shall be the duty of said board of public works to keep a record under appropriate heads in a suitable book or books furnished it by said city, of all expenditures made by it under the provisions of the preceding section, which said books shall belong to and be a part of the public records of said city. The said board of public works shall perform such other duties as are required by this act, or as may be from time to time required or prescribed by ordinance or resolution of the common council relative to streets, highways, alleys, lanes, courts, public places, public grounds, sidewalks and public sewers, being the same class of duties as those heretofore imposed upon the marshal of the city.

#### SALARIES OF CITY OFFICERS AND EMPLOYES.

Council to determine.

SEC. 30. The common council shall annually determine the salary or compensation to be paid to the several officers of said city within the limitations herein prescribed, and which limitations shall be as follows: To the city clerk, two thousand five hundred dollars per annum; to the city treasurer, two thousand five hundred dollars per annum; to the mayor, two thousand dollars per annum; to the city comptroller two thousand five hundred dollars per annum; to each of the aldermen, three hundred fifty dollars per annum, and to the city attorney three thousand dollars per annum, said salaries to be fixed by the affirmative vote of at least two-thirds of all the aldermen elect; and the common council may establish and prescribe the fees or salaries to be paid to all other officers, clerks or employes of said city, whose fees or salaries are not prescribed by law or otherwise provided for in this charter.

#### DEPUTIES AND CLERKS FOR CLERK, TREASURER AND COMPTROLLER.

Appointment of deputies.

When council to furnish assistants.

SEC. 32. The clerk, treasurer and comptroller shall respectively appoint deputies of their offices, each of whom shall possess all the powers and authority of their respective offices, and may exercise all the duties thereof, subject to the control of such officers. Upon the written recommendation of such officers, the common council shall furnish when, in its opinion necessary, such other assistants and clerks as may from time to time be required for the proper discharge

of the duties of the respective offices: *Provided*, That the common council shall have authority to limit the number of assistants, clerks and employes in each of said offices. Said clerk, treasurer and comptroller shall be responsible for the acts and defaults of their respective deputies, and may remove such deputies at their pleasure.

Proviso,  
number of  
assistants  
limited.

## TITLE VI.

### STREETS AND PUBLIC IMPROVEMENTS.

#### CONSTRUCTION OF SIDEWALKS—ORDERING AND BUILDING OF—BY CITY.

SEC. 14. Whenever the common council shall deem it expedient to construct any sidewalk within the city, it may by ordinance or otherwise, require the owner of any lot or premises adjoining thereto or fronting or abutting thereon, to construct such sidewalk in front of or adjoining such lot or premises. The common council may, in like manner, by ordinance or otherwise, under such penalties as it may prescribe, require the owner to repair or reconstruct such sidewalks in front of or abutting thereon, or adjoining his premises, in such manner as it may direct. If such owner shall neglect or refuse to make, repair or reconstruct any sidewalk in front of or adjoining his premises within such reasonable time as the common council shall prescribe, it shall be lawful for said common council, upon proof being filed with the city clerk of said city, of the failure of the owner of such property to comply with the requirements of said common council, to cause the same to be done at the expense of the city, and an accurate account of the expense thereof shall be certified to by the board of public works which is hereby authorized by virtue of authority given in this act to make, repair or reconstruct such sidewalk, or cause the same to be done under the direction of the common council, and to file such account in the office of the city treasurer and a duplicate thereof in the office of the board of assessors within five days after such work shall have been done. Such account so certified to by said board shall contain an accurate description of each parcel of real estate abutting thereon or adjoining thereto and adjoining which a sidewalk was so made, repaired or reconstructed, the expense thereof, and also the name of the owner of the real estate, if known, and if not known, such fact shall be so stated in such account. It is provided that the several sections amended by this act, transferring to the board of public works and other officers, duties now performed by the city marshal under the provisions of the charter of which this act is amendatory, shall not go into effect until the first Monday of May in the

Failure of  
owner to con-  
struct, etc.

Certified ac-  
count, what  
to contain.

Certain sec-  
tions, time of  
taking effect.

employ and under the direction of the board of public works of said city, at the same salaries now received by them for a period of one year from the first Monday of May nineteen hundred eight.

## TITLE VII.

### BOARD OF ASSESSORS.

#### COMMON COUNCIL TO DETERMINE AMOUNT OF BUDGET. CITY CLERK AND ASSESSORS' DUTIES.

SEC. 10. It shall be the duty of the common council on or before the third Monday of May in each year, to determine by resolution the amount necessary to be raised for city, highway and other municipal purposes for which said city may legally raise money by taxes for the ensuing year, commencing July first in each year, and to pass upon the estimate made by the board of estimates for school and library purposes, and it shall be the duty of the clerk of said city to certify under his hand and the seal of said city the amount to be raised, to the board of assessors within five days thereafter, including the amount to be raised for school and library purposes; and it shall be the duty of said board of assessors to apportion the amount to be raised among the several wards of said city according to the property valuation appearing upon the assessment rolls of the several wards as finally confirmed by said common council, and thereupon the board of assessors shall assess the amount so apportioned as hereinafter provided.

When clerk.  
to certify  
amount.

Amount, ap-  
portionment  
of.

#### MAKING OF CITY TAX ROLLS—AND DELIVERY OF SAME.

SEC. 11. After the amount of taxes to be raised has been certified to the said board of assessors as aforesaid it shall be the duty of said board of assessors to make copies of said rolls and to cause the amount of all taxes authorized to be assessed and collected in each year, to be ratably assessed upon the property therein described, upon and according to the value thereof as assessed in said assessment rolls. Said assessment rolls shall be known as "The City Tax Rolls and School Tax Rolls," and shall show in separate columns the property assessed, the name of the person to whom assessed, the assessed value and the amount of the city, highway, school and other municipal taxes. Said rolls shall be completed, footed, balanced, signed, certified by the board of assessors and delivered to the treasurer of the city before the first day of July thereafter, and the said board of assessors, within the time aforesaid, shall annex their warrant to each of said city and school tax rolls signed by the members of

When rolls  
to be de-  
livered to  
treasurer.



him to collect from the persons named in said city and school tax rolls the taxes therein set forth in accordance with the mandates of the law in relation thereto, and take the receipt of the city treasurer therefor. The board of assessors shall at the same time deliver to the comptroller a statement showing the amount of taxes assessed upon each of said rolls, including the school taxes, and the comptroller shall make an entry thereof in the books of his office and charge the gross amount thereof to the treasurer.

Statement of amount of taxes delivered to comptroller.

**BOARD OF ASSESSORS—ATTACHING OF WARRANT—TREASURER TO COLLECT.**

SEC. 34. It shall be the duty of said board of assessors to make copies of all assessment rolls as finally confirmed by the said common council of the city of Grand Rapids while so acting as a board of review, as herein provided, upon which assessment rolls said board shall ratably assess the State and county taxes as provided by the general laws of the State. When said assessment rolls have been finally completed, footed and balanced by said board of assessors, it shall attach to each of said rolls its warrant signed by the members of said board, and deliver the same with said warrant so attached, to the treasurer of said city within the time prescribed by law for the completion and delivery of the township rolls to the respective township treasurers of the State. Upon the receipt of such assessment or tax rolls with the warrant so attached, it shall be the duty of the treasurer of said city to collect the taxes on said rolls, assessed as aforesaid, and to return the same to the treasurer of Kent county within the time prescribed by law, in like manner as the same is now or may hereafter by law be required in warrants of township treasurers for the collection of taxes in townships of this State.

Collection and return of taxes.

**OFFICE AND HOURS FOR RECEIVING OF TAX MONEYS.**

SEC. 35. The treasurer of said city shall have an office for the receipt of all taxes and assessments payable to him, which office shall be open from eight o'clock in the forenoon until noon, and from one o'clock in the afternoon until five o'clock thereafter of each secular day not a legal holiday, of the time during which any tax roll shall be in his hands for collection. Upon the receipt of any tax roll for State or county taxes, he shall give notice thereof in two newspapers published and circulated in said city for at least ten days next after the first publication of said notice, and by printed notices posted in at least five places in each ward of the city, which notices shall describe such tax roll, the general nature of the taxes therein contained and name the

Notice of receipt of tax roll, publishing of.

Proviso, as to  
keeping office  
open.

location of his office: *Provided*, That the common council can by resolution duly entered in its minutes, order the said office to be kept open at such other hours as it may deem best.

#### STATE, COUNTY AND SCHOOL TAXES—INTEREST ADDED TO, ETC.

Proviso, col-  
lection fees  
paid into gen-  
eral fund.

SEC. 36. For the collection of all State and county taxes, the city treasurer shall be entitled to add to all such taxes collected by him, the same interest, collection fees and charges as are now or hereafter may be provided by the general tax laws of the State for interest, collection fees and charges on township tax rolls when collected by the township treasurers of this State: *Provided, however*, That all collection fees and charges which are now or may hereafter be by the general tax laws of the State payable to the township treasurer to his own use, shall, when collected by the said city treasurer, be by him paid into the general fund of said city for the use of said city.

#### MANNER OF COLLECTION OF TAXES.

School  
moneys  
credited to  
school fund.

SEC. 37. The city treasurer of said city of Grand Rapids and all his clerks and subordinates whose duty it shall be to collect such State and county taxes, shall use all legitimate means to collect the same within the time fixed by law. The city treasurer shall credit all school moneys in any manner received by him to the school fund of the city.

### TITLE VIII.

#### BOARD OF PUBLIC WORKS.

#### SECRETARY AND GENERAL MANAGER—COMPENSATION—BONDS MAY BE REQUIRED OF EMPLOYEES.

General  
Manager,  
when secretary  
may act as.

SEC. 6. The board of public works shall appoint some suitable person as secretary thereof and shall fix his compensation at a sum not exceeding one thousand five hundred dollars per annum, which compensation, when so fixed, shall be audited and paid as the salaries of the city officers are audited and paid. Said board may also appoint a deputy secretary with power to discharge the duties of secretary in his absence, or on account of disability on the part of said secretary to discharge such duties, and fix his compensation. Said secretary, in person or by deputy, shall attend upon the sessions of said board and keep a record of its proceedings and affairs and discharge such other duties appertaining to such records and affairs as the board may require. Said board of public works may, if it shall so determine, make such secretary the general manager of the entire affairs of

Proviso as to  
board of  
education.

Neglect, etc.,  
to furnish  
reports, cause  
removal.

boards, the heads of the several departments of the city government and the clerks of the several courts of said city: *Provided*, That on or before the first Tuesday of April in each year, the board of education shall submit to said board of estimates its estimate of the moneys to be raised for said board for the coming year. All such statements shall be in detail and shall designate the exact purpose for which said sums are required and shall also give an approximate estimate of the moneys which shall be received by such departments or boards that may be deducted from the amount otherwise required to be raised, together with a detailed statement of the amount to be expended during the current municipal year. The board of estimates shall have the right to call upon the board of education or upon any officer or board of said city for further reports or any information which it may require for the purpose of reaching a correct estimate of the amount of money to be raised, or in reference to any matter pending before said board, and neglect or refusal to furnish the same, after a demand thereof, shall be sufficient cause for the removal from office under title two, section eleven.

#### TITLE XIV.

##### BOARD OF EDUCATION.

##### THE FISCAL YEAR.

SEC. 11. The fiscal and accounting year shall commence with the first day (of April) in each year.

##### REVENUES—SCHOOL TAXES—TAX LIMIT.

When board  
to make and  
deliver  
estimates.

SEC. 12. The board shall annually, on or before the first Monday of March in each year, make an estimate of the amount of taxes deemed necessary for the ensuing year for all purposes of expenditures within the power of said board, which estimates shall specify the amounts required for the different objects and shall transmit such estimates to the common council and board of estimates on or before the first Tuesday of April for ratification, amendment or rejection. If for any reason the common council shall fail to pass on said estimate and finally adopt the same after such amendment, increase or decrease, as it determines before the third Monday of May in each year, then the estimate made by such board shall stand as approved and be considered as approved and ratified by said council. On or before the third Monday of May the secretary of the board shall make to the board of assessors of said city a written report of the amount of taxes so deemed necessary and approved or

Apportion-  
ment of  
taxes.

standing approved by said council, and the said board of assessors shall thereupon apportion said amount among the several wards of the city and the said amount so apportioned shall be levied, assessed, collected or returned the same as other city taxes. No greater sum than five mills on the dollar shall be levied for general school purposes in any one year, and for purchasing school lots, erecting school houses and paying school bonds issued for such purposes, no greater sum than five mills on the dollar, in addition to the tax for general school purposes shall be levied in any one year. All matters relating to estimates for school taxes or assessing or collecting school taxes in this act provided shall not be given effect until February one, nineteen hundred eight, and all such taxes theretofore assessed shall be collected in pursuance of the law under which the assessments were made.

Limit of tax.

Time of taking effect.

## TITLE XVI.

### MISCELLANEOUS PROVISIONS.

#### CLAIMS FOR DAMAGES.

SEC. 5. No claim for unliquidated damages shall be made against the city of Grand Rapids for injuries to persons or property by reason of any defects in the sidewalks, streets, highways, cross-walks, bridges, alleys, courts, public grounds or public places in said city, unless notice of such defect or defects in writing shall have been actually given to said city by service on its common council, city marshal or city clerk at least fifteen days prior to the date of the injury, and if any claim shall be made against said city for injury received after lapse of such notice or by reason of any negligence on the part of said city or city officials, or its employes, in any public work in which it or they are engaged, or any claim is made against said city in an action of tort, the claimant in such case or cases shall present the same to the common council within sixty days after the injury or wrong occurred, which claim shall state the place where such injury or wrong was received, the names of claimant's witnesses concerning the same, then known to claimant, a description of the injury sustained and a succinct statement of the facts constituting such claimant's demands against said city, and any further statement that may be required by said common council; and if said claim arises from injury received by reason of any defect in the sidewalks, streets, highways, alleys, bridges, courts, public grounds or public places in said city, after notice as aforesaid, or public works in which said city or its officials are engaged, the claimant who alleges injury thereon shall give notice to the city by written statement filed with the city clerk within ten days of the time of said injury, specifying

Notice of defects in streets, etc., when served on council etc.

Claims, when presented to council, what to state.

Statement of injury, when filed with clerk.

Power to  
subpoena  
witnesses.

public works where the same was received and the general character of the alleged defect claimed to have existed, resulting in the injury of claimant; said preliminary notice not to take the place of the specific notice herein required to be filed within sixty days of injury received as aforesaid. If required by the common council or a committee thereof, said claimant shall produce his witnesses before said common council or committee, and they may be sworn and examined as to the nature of the claims, the amount thereof and the particular basis upon which they are made. The council or committee shall have power to subpoena witnesses for such hearing. Any such claim shall be void unless such claimant shall bring an action against said city for such demand within a period of one year from and after said common council has had a reasonable time, not to exceed sixty days, to investigate and pass upon such claim.

Sections  
repealed.

SEC. 2. Section eight of title two and section thirty-one of title five of said act five hundred ninety-three of the local acts of nineteen hundred five, entitled "An act to revise the charter of the city of Grand Rapids, including therein also as part of such charter, the acts controlling the board of education and board of library commissioners," approved June six, nineteen hundred five, are hereby repealed.

Approved June 28, 1907.

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[No. 750.]

AN ACT to create a bureau of public safety for the city of Bay City, to define the powers and duties of the bureau of public safety and repeal all acts and parts of acts inconsistent herewith.

*The People of the State of Michigan enact:*

Bureau of  
public safety,  
term of  
office, by  
whom ap-  
pointed, etc.

SECTION 1. Immediately after the passage of this act, the Governor shall appoint five qualified electors of the city of Bay City, one of which shall hold his term of office until the first Monday in May, nineteen hundred eight, and one shall hold his term of office until the first Monday in May, nineteen hundred nine, and one shall hold his term of office until the first Monday in May, nineteen hundred ten, and one shall hold his term of office until the first Monday in May, nineteen hundred eleven, and one shall hold his term of office until the first Monday in May, nineteen hundred twelve, each year after the passage of this act on the first Monday in May or immediately thereafter the common coun-

public safety whose term of office shall be for five years from the first Monday in May of such year and shall give bonds to the city in the sum of one thousand dollars for the faithful performance of his duty as a member of the bureau of public safety of the city of Bay City.

SEC. 2. The persons so appointed as provided for in section one of this act shall have full power and control and the management of the police department, and the fire department, the organization and government and discipline of such department and the custody and control of all public property, books, records and equipments thereto belonging to such department, and shall keep a record of all proceedings to be signed by the chairman and secretary of such bureau. The bureau of public safety shall hold meetings at least twice each month and at all other times as the chairman shall direct, and shall receive an annual salary or compensation for such services not less than two hundred dollars per year each nor more than three hundred dollars, as the council shall direct, and shall be paid by the city out of the same funds that all other city officers are paid.

Powers and duties.

Meetings, salary.

SEC. 3. The bureau of public safety shall elect one of its members chairman at the first meeting held by such bureau and the city recorder shall be its secretary and shall keep a record of all proceedings and all business transacted by such bureau. Said bureau of public safety shall have power to purchase all necessary supplies or equipments for the necessary running of such department. No member of said bureau of public safety shall be directly or indirectly interested in any contract with the city or furnishing any material or supplies to any city department. Any member of the bureau shall be subject to removal from office for cause as is provided for in the general statute.

Who to be secretary of.

Supplies, etc.

No member of, to be interested in certain contracts. Subject to removal.

SEC. 4. The common council of Bay City shall appropriate a sufficient amount of funds each year to defray the expense of the various departments under the control of the bureau of public safety. The bureau of public safety shall have full power to fix and determine the compensation of all employees of the various departments under its control and shall have full power to dispense with the services of any of the employees in any of said departments. Said bureau shall be the final judge of any and all employees, the existence and sufficiency for any cause of removal: *Provided, however,* That the present members of the police force and fire department shall hold their respective positions during good behavior, and if charged with the violation of the rules of said departments the charged official shall have a trial before said bureau of public safety, if he desires, and shall be permitted to be represented with counsel before such bureau. Said bureau shall, on or before the first Monday in May of each year, make an annual report of all its proceedings to the common council of Bay City.

Expenses, how met.

Bureau to fix compensation of employees.

To be final judge of employees. Proviso as to present employees.

To make annual report.

tain business.

To inspect  
saloons.

May arrest  
violators.

Repealing  
clause.

the cigar business or any other business that will put any of the employes of the various departments under any obligation to patronize any such member of said bureau. The bureau of public safety shall visit and inspect all the saloons in said city as often as is necessary in the judgment of such bureau. The bureau of public safety shall have full power to arrest any and all violators of the city ordinance, as is now vested in any of the police officers of said city.

SEC. 6. All acts and parts of acts inconsistent herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved June 28, 1907.

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[No. 751.]

AN ACT to provide for the taxation and regulation of the manufacturing, selling, keeping for sale, furnishing or delivering malt, brewed, fermented, vinous, spirituous and intoxicating liquors in the city of Standish, Arenac county, Michigan, limiting the same to drug stores, registered pharmacists, and to the keeper of a hotel or hotels, and to define the term hotel.

*The People of the State of Michigan enact:*

Intoxicating  
liquors, un-  
lawful to sell,  
etc., except  
hotels.

Proviso as to  
druggists.

"Hotel,"  
definition  
of term.

SECTION 1. In the city of Standish, Arenac county, Michigan, it shall not be lawful for any firm, corporation or person to engage in the business of manufacturing, selling, keeping for sale, furnishing or delivering malt, brewed, fermented, vinous, spirituous and intoxicating liquors, unless such person is the keeper of a hotel and has complied with all the general laws of this State regulating the liquor traffic, and also has complied with all the provisions of this act: *Provided*, That this act shall not apply to druggists and registered pharmacists who sell liquors for medicinal, mechanical, scientific and sacramental purposes only, and in strict compliance with law.

SEC. 2. The term "hotel," as used in this act shall mean a building regularly used and kept open as such for the feeding and lodging of guests, where all persons who conduct themselves properly and who are able and ready to pay for their entertainment, are received if there are accommodations for them, and who, without any stipulated engagement as to the duration of their stay, or as to the rate of compensation, are while there supplied at a reasonable charge, with their meals, lodgings, refreshments and such service

dwellers shall be the family and servants of the hotel keeper. Such building shall contain at least ten rooms above the basement, exclusive of those occupied by the family and servants, each room properly furnished to accommodate lodgers and separated by partitions at least three inches thick extending from floor to ceiling, with independent access to each room by a door opening into a hallway, each room having a window or windows with not less than eight square feet or [of] surface opening upon a street or open court, light shaft of [or] open air, and each having at least eight feet square of floor area and a [at] least six hundred cubic feet of space therein; a dining room with at least three hundred square feet of floor area which shall not be a part of the bar room, with tables, and having suitable furniture and accommodations for at least twenty guests therein at one and the same time, and a kitchen and conveniences for cooking therein sufficient to provide bona fide meals at one and the same time for twenty guests.

SEC. 3. After an application for a license shall have been approved by the common council of the said city of Standish and before a license shall be issued, said applicant shall pay to the county treasurer of the county of Arenac for the use of said city, in addition to the license fee now provided by statute the sum of five hundred dollars.

License fee,  
amount of.

SEC. 4. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days and not more than ninety days, or by both such fine and imprisonment in the discretion of the court and in case such fine and costs shall not have been paid at the time such imprisonment expires, the person serving out such penalty shall be further detained in jail until such fine and costs shall be entirely paid: *Provided, however,* That the imprisonment shall not exceed six months.

Penalty.  
  
Proviso, im-  
prisonment  
limited.

This act is ordered to take effect May one, nineteen hundred eight.

Approved June 28, 1907.



AN ACT to amend section two of act number three hundred forty-five, of the local acts of Michigan, for the year nineteen hundred five, entitled "An act to provide by direct vote in the county of Wayne for nominations at primary elections of candidates of political parties for election to public offices; and also for election of party committees; to regulate and protect such primary elections and to punish offenses committed thereat; to provide for counting and canvassing the votes cast thereat; to provide for the placing of candidates' names on election ballots and to repeal act number two hundred ninety-two of the local acts of nineteen hundred three.

*The People of the State of Michigan enact:*

Section amended.

SECTION 1. Section two of act three hundred forty-five of the local acts of nineteen hundred three, entitled "An act to provide by direct vote, in the county of Wayne for nominations at primary elections of candidates of political parties for election to public offices; and also for the election of party committees; to regulate and protect such primary elections and to punish offenses committed thereat; to provide for the counting and canvassing of the votes cast thereat; and to provide for the placing of candidates' names upon the election ballots; and to repeal act number two hundred ninety-two of the local acts of nineteen hundred three, is hereby amended to read as follows:

Primaries, when and where held, etc.

SEC. 2. Primary elections held within the county of Wayne for the purpose of selecting candidates of any political party for election at the regular election to any public office, the incumbent of which is required by law to be elected by electors residing within Wayne county, or of some subdivision thereof, and for the purpose of electing the members of the committees of any political party composed entirely of members elected by electors residing within Wayne county, shall be held at the time and in the place and manner in this act provided, and not otherwise: *Provided*, That the provisions of this act shall not apply to the nomination of township and village officers in any township or village when it has been so determined upon by a two-thirds vote of the respective village council or township board. In each ward in the city of Detroit, at the first fall primary held after this act takes effect, each political party shall elect by ballot according to the provisions of this act, one member of the city committee, and one member of the county committee, and members of ward committees now allowed by party usage, whose terms of office shall be two years from and after the first day of January, following their election or until their successors are elected in like manner, and outside of Detroit there shall be elected in the same manner

Proviso as to certain officers.

Party committees, when elected, term of office.

SEC. 2. The board of health and poor commissioners as thus constituted shall have and possess all the authority that is now by law conferred upon boards of health of this State and upon directors of the poor and supervisors acting as directors of the poor in townships of this State, by the general laws of this State, together with such further powers and duties as are conferred upon it by the provisions of this title.

#### FURTHER POWERS AND DUTIES, DEPARTMENTS OF BOARD.

SEC. 3. The functions of the said board shall be to suppress disease, protect the public health of the city and its inhabitants, care for the poor and regulate and carry out all matters pertaining to the health of said city and the inhabitants thereof and pertaining to the poor of said city. The departments, officers and hospitals under the control of said board shall be as follows: The health department, the poor department, the garbage burner department, plumbing inspection department, bacteriological department, food, meat and milk inspection department, contagious disease hospital, tubercular disease hospital and city physician.

#### HEALTH OFFICER.

SEC. 4. It shall be the duty of said board to appoint a health officer who shall be a practicing physician and a graduate of a legally authorized medical college. He shall serve as such health officer during good behavior and the efficient performance of his duties. He shall devote his entire time to the discharge of the duties of his said office. The said health officer shall be the executive officer of the health department, plumbing inspection department, bacteriological department, garbage burner department, food, meat and milk inspection department and of the said hospitals and of such other hospitals as may be provided for and maintained by said city and board. He shall exercise the powers and perform all the duties conferred upon him by this act and the general laws of the State in reference to health officers, and shall also perform such duties, not inconsistent therewith, as the said board may, from time to time prescribe and impose upon him. The said board shall also have power, when the public exigencies in their opinion require, to provide for an assistant health officer.

#### SUPERINTENDENT OF POOR—DUTIES.

SEC. 5. Said board shall also appoint a superintendent of the poor who shall be the executive officer of the poor department of said city, and who shall exercise all the

for the care of the poor who have obtained a legal settlement in said city. Said superintendent of the poor shall hold his office during the faithful and efficient performance of the said duties imposed upon him.

#### CITY PHYSICIAN.

SEC. 6. The said board shall appoint a city physician, who shall be a regularly licensed physician and a graduate of a legally authorized medical college. His tenure of office shall be during good behavior and competency of service. He shall devote his entire time to the discharge of the duties of his said office. It shall be the duty of said physician to prescribe for and treat professionally the injured or sick poor of said city who are properly and legally city charges, and to perform such other duties in reference to the sick poor of said city as said board may direct. The said board shall also have power, when in its opinion the public emergencies require it, to appoint an assistant city physician, who shall possess the like qualifications as said city physician.

#### FOOD, MEAT AND MILK INSPECTOR.

SEC. 7. The said board shall have power to appoint a food, meat and milk inspector who shall be in charge, under said health officer, of the food, meat and milk inspection department. He shall be a practicing registered veterinarian, with experience in the work of food, milk and animal inspection. He shall perform all duties imposed upon him by said board, not inconsistent with the general laws of the State, governing the inspection of animals and food products. His tenure of office shall be during good behavior and the competent performance of his duties under this act. His work shall be governed and regulated by the said board, and under such rules and regulations as the said board may, from time to time make and adopt. The said board may appoint an assistant inspector who shall possess the same qualifications as said food, meat and milk inspector, and may furnish to said food, meat and milk inspector such employes as may, from time to time, be necessary to carry on the work of such food, meat and milk inspection.

#### PLUMBING INSPECTOR.

SEC. 8. Said board shall also have power to appoint a plumbing inspector for the said plumbing inspection department, who shall be a registered and licensed plumber, and who shall hold his office during the faithful and efficient discharge of his duties. He shall devote his entire time to the discharge of the duties of his said office. He shall per-

SEC. 2. The board of health and poor commissioners as thus constituted shall have and possess all the authority that is now by law conferred upon boards of health of this State and upon directors of the poor and supervisors acting as directors of the poor in townships of this State, by the general laws of this State, together with such further powers and duties as are conferred upon it by the provisions of this title.

#### FURTHER POWERS AND DUTIES, DEPARTMENTS OF BOARD.

SEC. 3. The functions of the said board shall be to suppress disease, protect the public health of the city and its inhabitants, care for the poor and regulate and carry out all matters pertaining to the health of said city and the inhabitants thereof and pertaining to the poor of said city. The departments, officers and hospitals under the control of said board shall be as follows: The health department, the poor department, the garbage burner department, plumbing inspection department, bacteriological department, food, meat and milk inspection department, contagious disease hospital, tubercular disease hospital and city physician.

#### HEALTH OFFICER.

SEC. 4. It shall be the duty of said board to appoint a health officer who shall be a practicing physician and a graduate of a legally authorized medical college. He shall serve as such health officer during good behavior and the efficient performance of his duties. He shall devote his entire time to the discharge of the duties of his said office. The said health officer shall be the executive officer of the health department, plumbing inspection department, bacteriological department, garbage burner department, food, meat and milk inspection department and of the said hospitals and of such other hospitals as may be provided for and maintained by said city and board. He shall exercise the powers and perform all the duties conferred upon him by this act and the general laws of the State in reference to health officers, and shall also perform such duties, not inconsistent therewith, as the said board may, from time to time prescribe and impose upon him. The said board shall also have power, when the public exigencies in their opinion require, to provide for an assistant health officer.

#### SUPERINTENDENT OF POOR—DUTIES.

SEC. 5. Said board shall also appoint a superintendent of the poor who shall be the executive officer of the poor department of said city, and who shall exercise all the

for the care of the poor who have obtained a legal settlement in said city. Said superintendent of the poor shall hold his office during the faithful and efficient performance of the said duties imposed upon him.

#### CITY PHYSICIAN.

SEC. 6. The said board shall appoint a city physician, who shall be a regularly licensed physician and a graduate of a legally authorized medical college. His tenure of office shall be during good behavior and competency of service. He shall devote his entire time to the discharge of the duties of his said office. It shall be the duty of said physician to prescribe for and treat professionally the injured or sick poor of said city who are properly and legally city charges, and to perform such other duties in reference to the sick poor of said city as said board may direct. The said board shall also have power, when in its opinion the public emergencies require it, to appoint an assistant city physician, who shall possess the like qualifications as said city physician.

#### FOOD, MEAT AND MILK INSPECTOR.

SEC. 7. The said board shall have power to appoint a food, meat and milk inspector who shall be in charge, under said health officer, of the food, meat and milk inspection department. He shall be a practicing registered veterinarian, with experience in the work of food, milk and animal inspection. He shall perform all duties imposed upon him by said board, not inconsistent with the general laws of the State, governing the inspection of animals and food products. His tenure of office shall be during good behavior and the competent performance of his duties under this act. His work shall be governed and regulated by the said board, and under such rules and regulations as the said board may, from time to time make and adopt. The said board may appoint an assistant inspector who shall possess the same qualifications as said food, meat and milk inspector, and may furnish to said food, meat and milk inspector such employees as may, from time to time, be necessary to carry on the work of such food, meat and milk inspection.

#### PLUMBING INSPECTOR.

SEC. 8. Said board shall also have power to appoint a plumbing inspector for the said plumbing inspection department, who shall be a registered and licensed plumber, and who shall hold his office during the faithful and efficient discharge of his duties. He shall devote his entire time to the discharge of the duties of his said office. He shall per-

State relative to the inspection of plumbing. The said board may, if it deem necessary, appoint an assistant to said plumbing inspector, who shall also possess the same qualifications required of said plumbing inspector.

#### DEPARTMENT OF BACTERIOLOGY.

SEC. 9. The said board may also create a department of bacteriology and may appoint a city bacteriologist who shall be thoroughly qualified as a bacteriologist and a graduate of some legally authorized medical college. Said department is to be conducted in connection with the department of health and under the direction of said board, said bacteriologist to hold office during the pleasure of said board.

#### GARBAGE COLLECTION DEPARTMENT.

SEC. 10. There shall be established a garbage collection department, to be conducted in connection with the department of health and to be under the charge of said board. The said board shall appoint a superintendent of garbage, who shall hold office during the faithful and efficient performance of the duties imposed upon him by said board. The duties of the superintendent of garbage shall be prescribed by the said board.

#### GARBAGE CREMATORY.

SEC. 11. Said board shall also be authorized to maintain a garbage crematory for the incineration of all refuse matter the said board may, for the safety of the public health, deem necessary and proper to be destroyed.

#### CONTAGIOUS DISEASE HOSPITAL.

SEC. 12. Said board shall also provide, maintain and regulate, within easy access of said city, a suitable hospital for the care of patients afflicted with contagious, pestilential or malignant diseases for the purpose of suppressing such diseases and protecting the public health. Said board may provide for the appointment of a superintendent, nurses and all other necessary employes for such hospital.

#### TUBERCULAR DISEASE HOSPITAL.

SEC. 13. Said board may also establish, maintain and regulate a tubercular hospital on the site where the new contagious hospital, so-called, is now built: *Provided*, That there be funds available in the budget of the board, aside from the regular poor funds to so establish and maintain such

hospital. Such hospital if erected and established, may, in the judgment of the board, be used for both private and indigent patients, and, under the direction of the said board, be placed in charge of the city physician.

#### SECRETARY OF BOARD.

SEC. 14. Said board shall appoint a suitable person to act as secretary of the board, whose duties shall be to keep a correct record of all transactions of the board and perform all such additional duties as may be prescribed by the board from time to time, not inconsistent with the laws of the State of Michigan, regulating the recording of births and deaths. The said secretary shall be the registrar under said laws of the State, of births and deaths occurring within said city. Said secretary shall be the custodian and book-keeper of all the financial books of the said board and the respective departments thereof. He shall report to said board from time to time, when called upon, the financial condition of each department. Said board shall provide said secretary with such assistant or assistants as may, from time to time, be necessary. He shall hold his office during the faithful and efficient discharge of his duties. The record of the proceedings of said board, or a duly certified copy thereof, certified to by said secretary, shall be prima facie evidence of the facts therein contained, before any court or any public officer.

#### PRESIDENT OF BOARD.

SEC. 15. Said board shall, at the first annual meeting in each year, elect one of its members president who, when so elected, shall preside over all meetings of the board. It shall be his duty to appoint the members of all such standing committees as the board may decide upon. In case of the absence of said president, the members present may appoint a chairman pro tempore.

#### SANITARY INSPECTORS.

SEC. 16. Said board shall appoint, from time to time, sanitary inspectors who shall also act as quarantine officers when required so to do by said board. Said inspectors shall work under and in accordance with rules and regulations to be laid down by said board.

#### OFFICERS OF BOARD, MEETINGS AND SALARY.

SEC. 17. It shall be the duty of the common council of said city to furnish suitable offices and places of work for all the said departments under the charge of said board. The main office of said board shall be the health office and

meet once in each week at its said office and hold special meetings when the same shall be necessary. The regular meeting of said board shall be at the hour of seven thirty p. m. A majority of said board shall constitute a quorum for the transaction of business, but a less number may adjourn said meeting to a fixed date, or to the regular meeting of said board. The members of said board shall receive the sum of one hundred fifty dollars per annum, payable quarterly, the same to be out of the health funds of said city, and to be a proper charge against said city. Said board shall, in like manner, be also furnished with all necessary stationery, furniture, apparatus and other material necessary for the proper discharge of the duties and powers imposed upon and granted to it.

#### CARE AND PREVENTION OF CONTAGIOUS DISEASES.

SEC. 18. It shall be the duty of said board to take effectual measures to prevent the entrance of any contagious, pestilential or infectious disease into said city, to stop, detain and examine for such purpose, every person coming from any place, whom they have good reason to believe is infected with any such disease, and to cause any person who may be infected with any contagious, pestilential or infectious disease within the limits of said city to be removed to the hospital therefor provided, if, in the opinion of the health officer and one other practicing physician of good standing, together with that of one of the members of said board such removal is found necessary for the preservation of the public health: *Provided*, That the removal can be made with safety to the infected person. Said board of health may remove or cause to be removed from the city or destroy any furniture, wearing apparel, goods, wares, merchandise or any article or property of any kind which it shall have good reason to suspect of being tainted or infected with any contagion, pestilential or infectious matter, or that shall be likely to pass into such a state as to generate or propagate disease, upon paying for the same as other charges against this board are paid; to abate all nuisances of every description which are or may become injurious to public health in any manner it may deem expedient, and from time to time perform all acts and make all regulations which it may deem necessary for the preservation of the public health and the suppression of disease in said city; to recommend to the common council of said city the passage of such by-laws, ordinances or regulations as it shall deem expedient for the preservation of the public health and the suppression of disease in said city.



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EXPENSE OF ABATEMENT OF NUISANCES, ETC.

SEC. 19. When, in the abatement of any public nuisance, it becomes necessary to incur any expense for the protection of the public health, the said board of health shall have power to cause the same to be done, and report the expense and cost thereof to the common council of said city, which said costs and expenses shall be assessed against the property chargeable therewith in the same manner as provided in the charter of said city in section twenty of title three, and section fifteen of title six of the charter of said city, and when the amount so assessed shall be collected, same shall be refunded to the health fund.

## BOARD AND OFFICERS TO HAVE POLICE POWER—PENALTY.

SEC. 20. Each of the members of said board, the health officer thereof, the superintendent of the poor, the city physician, the food, meat and milk inspector, plumbing inspector and the sanitary inspectors shall each have full police powers in matters pertaining to or belonging to their respective departments, and it shall be their duty to arrest all persons who are, in their sight, engaged in violating any of the by-laws, ordinances or regulations of the city in relation to the health of its citizens or relating to the poor under the charge of the said board. Any violation of any of the said by-laws, ordinances or regulations as aforesaid shall be deemed a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court, the fine not to exceed one hundred dollars, and the imprisonment not to exceed ninety days in the jail of Kent county.

## REPORTS OF BOARD.

SEC. 21. Said board shall report annually to the State Board of Health in the same manner as local boards of health are now or shall hereafter be required by law to report to said State Board of Health. It shall make its report annually on or before the first day of April in each year to the common council of the city of Grand Rapids concerning all sanitary matters, and make such other and further reports to the common council as may be required by such body from time to time.

## IN CASE OF DESTRUCTION OF PROPERTY—PAY FOR, ETC.

SEC. 22. Whenever said board shall destroy any furniture, wearing apparel, goods, wares, merchandise or any article or property of any kind as authorized in this title it shall, with all convenient speed make an itemized list of the same and file such list in the office of said board, and the date of receipt and filing the same shall be endorsed thereon by the secretary

who shall endorse on the same the date of receiving and filing of the same, and who shall refer the same to the common council and the common council shall determine the value of the property so destroyed, and shall cause the value of the same as so determined to be paid out of the general funds of the city to the person or persons entitled to such property.

OWNERS OF PUBLIC CONVEYANCES TO REPORT ALL PERSONS AFFLICTED WITH CONTAGIOUS DISEASES CARRIED BY THEM—PENALTY.

SEC. 23. The owner, driver, conductor or other person in charge of any stage coach, railroad car, steamboat or other public conveyance which shall enter the city, having on board any person known to him to be sick of any malignant or other contagious, pestilential or infectious disease shall, within two hours after the arrival of such person, report in writing the fact to the mayor or to the health officer of said board, with the name of such person and the house or place where he was put down in the city, and every neglect to comply with any of the foregoing provisions shall be deemed a misdemeanor and punishable in manner and form as provided in section twenty of this title.

PENALTY FOR KNOWINGLY BRINGING ANY INFECTED PERSON OR PROPERTY INTO THE CITY.

SEC. 24. Any person who shall knowingly bring or cause to be brought into the city any person or any property of any kind tainted or infected with any malignant fever, contagious, pestilential or infectious disease shall be deemed guilty of a misdemeanor and punishable in manner and form as provided in section twenty of this title.

KEEPERS OF HOTELS, ETC., AND PHYSICIANS TO REPORT ALL CONTAGIOUS DISEASES.

SEC. 25. Every keeper of a hotel, lodging house or boarding house in the city who shall have in his house at any time any person sick with any contagious, pestilential or infectious disease, shall report such fact and the name of such sick person in writing, within three hours after such fact shall have come to his knowledge, to the mayor or to the board of health or to the health officer thereof. Every physician practicing in said city shall report in writing to the health officer at his office, the name, residence and disease of every patient, whom he shall attend professionally who shall be sick with any contagious, pestilential or infectious disease within four hours after the nature of such disease shall have become apparent to the said attending physician. Any violation of

demeanor and punishable in manner and form as provided for in section twenty of this title. All written reports made to the said mayor, health officer or board of health shall be written and signed in ink.

#### CARE OF THE POOR, ETC.

SEC. 26. Said board shall have power to make all necessary rules and regulations for the government and discharge of the work and duties in charge of the poor under said poor department, not inconsistent with the general laws of the State providing for the care of the poor by the public. It shall provide for and cause to be made a careful, kindly but thorough investigation into the actual circumstances and needs of all applicants for assistance so as to discover the worthy and to reject the unworthy. It shall have power, when deemed necessary, to cause to be imposed a labor test on persons asking for help from the city, requiring them to perform such labor as may be provided in consideration for the assistance, in whole or in part, furnished them. It may cause to be purchased such supplies as, in its judgment, are necessary and suitable for the proper care of the poor of the city who are legal charges thereon. Until the city shall provide a hospital of its own, said board shall have power to authorize and provide for the treatment, on reasonable terms in any private hospital in said city, of the sick and injured poor who may be legal charges on the poor department.

#### ESTIMATES OF COST OF HEALTH AND POOR DEPARTMENT FOR ENSUING YEAR TO BE FILED—CLAIMS AND ACCOUNTS —HOW PAID.

SEC. 27. It shall be the duty of said board to submit to the board of estimates of said city, on or before the first Monday in April of each year, an estimate of the probable cost and expense of maintaining the work of said board in all the departments under its charge for the ensuing year. The items for each department shall be submitted in detail. Such items so submitted and assembled shall be known as the board of health and poor commissioners' budget, and when passed upon by the common council of said city, shall be certified by the clerk of said city to the comptroller of said city, with other sums determined to be raised by tax in accordance with the provisions of the charter of said city.

#### TITLE OF FUNDS.

SEC. 28. The funds so raised shall be named as follows: The funds raised for the maintenance of the department of health, contagious disease hospital, bacteriological depart-

inspection department and garbage burner department shall be known as the health fund. The funds raised for the maintenance of the poor and for the city physician's work and necessary assistance and for the erection and maintaining of the tubercular disease hospital shall be known as the poor fund. The funds raised to prosecute the collection of garbage shall be known as the garbage fund. The secretary of said board shall be authorized to procure the proper books for the keeping of the different accounts of said departments and funds as outlined in this title.

#### CLAIMS AND ACCOUNTS—HOW ITEMIZED AND PAID.

SEC. 29. All accounts, claims and demands for or on account of all matters in charge of the said board shall be presented to the secretary thereof, and these accounts shall thereupon be itemized and verified, and when passed upon and approved by the said board, shall be certified by the comptroller of said city, who shall report the same to the common council for payment, and the same shall be paid from the fund against which such items are properly chargeable. The said board may also send any claim or claims presented to said board for payment, to the comptroller without recommendation if the validity of such claim or claims be in doubt.

#### BOARD TO FIX SALARIES OF APPOINTEES AND EMPLOYES.

SEC. 30. Said board shall have the power and it shall be its duty, on or before the first Monday in June of each year, to fix the salaries of all its appointees and to determine, as far as may be, the compensation to be paid to its employees.

#### SYSTEM OF SANITARY PLUMBING.

SEC. 31. Said board shall have power and it shall be its duty to provide a perfect system of sanitary plumbing in all cases where, in the judgment of the board, for the benefit of the public health better sanitation is required. In all cases where the public health is affected or endangered by unsanitary plumbing, the said health officer shall promptly report the facts to said board, and if the said board be satisfied, from the report so made, that the public welfare demands it, said board shall order the owner of the property in question to install the necessary plumbing or to make the proper sewer connection or connections. If the owner of such property fails or refuses to obey said order within the time named in such order, as determined by a majority vote of said board, thereupon said board shall cause such plumbing to be installed and such sewer connection to be made, and report for payment the cost of the same, to be paid as

## SECRETARY TO FILE ITEMS OF COST.

SEC. 32. The secretary of said board shall file a copy of the cost and expense of all work done by said board, as provided in section thirty-one, with the clerk of said city, who shall report the same to the common council of said city, and the said common council shall thereupon order the amount so reported to be spread upon the proper tax roll and collected from the property in the manner provided for the collection of sidewalk or nuisance assessments. The amounts so spread, when collected, shall be refunded to the said health fund.

## SEWER CONNECTIONS.

SEC. 33. Said board shall also have power to provide for a perfect system of sanitary plumbing, not inconsistent with the laws of this State, whenever it appears to the satisfaction of said board that the same is necessary for the preservation of the public health and to also, as heretofore provided, cause all connections to be made with the proper street sewer when the same shall be so deemed a public health measure, the cost of such sewer connection to be assessed against the property so affected, in the same manner as is provided for in section thirty-two of this title.

## RULES AND REGULATIONS.

SEC. 34. Said board shall have power and it is hereby made its duty to adopt, by a majority vote of all its members, suitable rules and regulations to completely govern the various departments, hospitals and other work under its control. Such rules and regulations shall be printed in suitable form and shall be known as the board of health code. Such code shall specify, as near as may be, the manner and method in which the work of the various departments under said board shall be conducted, the character and nature of the employment of the respective employes and the department with which such employes are respectively connected, and shall also outline, for the information of the general public, the by-laws adopted by said board, together with the penalties imposed by the ordinances of the city, the execution and carrying out of which is under the special charge of said board.

## MERIT SYSTEM.

SEC. 35. Said board shall also have power to establish for the betterment and more efficient carrying out of its

der the charge of the said board, same to be known as the merit system.

#### RECORD OF PERSONS IN COUNTY POOR HOUSE, ETC.

SEC. 36. The said board shall keep a careful record of all persons admitted to the county poor house on the order of the board and of the time they are supported therein at the city expense, and shall have the right and it shall be its duty to examine the account presented by the superintendent of the poor to the board of supervisors of Kent county, for all persons maintained in the county house aforesaid, at the expense of the city before the same is allowed and ordered spread upon the tax rolls of the city by said board of supervisors.

#### NO SETTLEMENT GIVEN ANY PERSON IN CITY WHILE SUPPORTED BY THE COUNTY OR ANY TOWNSHIP.

SEC. 37. No length of actual residence by any person within the city, while supported wholly or partially at the expense of the county or any township, shall operate to give such person a settlement in the city.

#### IN CASE OF PERSON ABANDONED OR NEGLECTED—PROPERTY OF PERSON RESPONSIBLE MAY BE TAKEN.

SEC. 38. In case any person is abandoned, neglected or not maintained and likely to become chargeable upon the city for support, the county superintendents of the poor shall have the same right to take possession of and proceed against the property of the husband or parent responsible therefor, that they have by the general laws of the State, when such person is liable to become chargeable upon the county or township.

#### LIMIT OF SALARIES.

SEC. 39. Said board, in fixing the salaries of its appointees, shall be subject to the following limitations, to wit: The annual salary to be paid to each of said officers shall not exceed the limit named, viz: Health officer, two thousand dollars; assistant health officer, one thousand dollars; superintendent of the poor, one thousand five hundred dollars; city physician, two thousand dollars; assistant city physician, eight hundred dollars; food, meat and milk inspector, twelve hundred dollars; assistant food, meat and milk inspector, seven hundred dollars; plumbing inspector, thirteen hundred fifty dollars; assistant plumbing inspector, one thousand dollars; bacteriologist, seven hundred dollars;

ner as other claims and accounts against the city are paid. Said board shall also have power to fix the compensation of all employes authorized by this title by it to be employed, as to the said board may seem to be a fit, reasonable compensation, the same to be paid on due certification, as all other accounts in this city are paid.

This act is ordered to take effect July one, nineteen hundred seven.

Approved June 28, 1907.

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[No. 754.]

AN ACT to amend sections two, three, four, five, eight, nine, eleven, thirteen, sixteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four of act number four hundred seventy-six, local acts of nineteen hundred five, entitled "An act to provide for primary elections in Alpena county and to prescribe a penalty for violations thereof."

*The People of the State of Michigan enact:*

SECTION 1. Sections number two, three, four, five, eight, nine, eleven, thirteen, sixteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four of act number four hundred seventy-six, local acts of nineteen hundred five, entitled "An act to provide for primary elections in Alpena county and to prescribe a penalty for violations thereof," are hereby amended to read as follows: Sections amended.

SEC. 2. On the third Tuesday preceding any election at which members of the State legislature and the county officers which the law provides shall be elected at the November election are to be elected, a primary election shall be held in the several townships of said county and in the various wards of the city of Alpena for the nomination by direct vote of all such county officers for said county and representative in the State legislature for the Alpena district. On the second Tuesday preceding any April election in Alpena county or any charter election in the city of Alpena, a primary election shall be held in each of the various wards of the city of Alpena for the nomination of all city and ward officers and in the several townships of the county of Alpena for the nomination of all township officers and in said county for the nomination of county road commissioner, county school commissioner, and such other county officers as the law may provide to be elected in the April election, at which each of the several political parties shall elect by ballot, according to Primary for members of legislature and certain county officers.  
  
Primary for city, township and certain county officers, etc.  
  
County committee.

City committee.	the provisions of this act, a chairman of the county committee, and, in each of said townships one member of the county committee. In the city of Alpena elect a chairman of the city committee, and in each ward one committeeman who shall
Term of office.	be a member of both the city and county committee; each committeeman's term of office shall be for two years from and after his election or, until, in like manner, their successors are elected. The chairman of the city committee shall be a member of and vice-chairman of the said county committee; the said county committee shall choose its own secretary and treasurer and the said city committee shall choose its own secretary and treasurer. For the purpose of this act, no officials of any political committee shall be recognized except those chosen and elected under the provisions of this act. At the primary immediately preceding the April election in each year in which the Governor is elected, there shall be elected by ballot, according to party usage and the provisions of this act, delegates to the judicial convention for the twenty-sixth judicial circuit, for the senatorial convention for the twenty-ninth senatorial district, for the congressional convention for the tenth congressional district and the State conventions to be held during the ensuing year: <i>Provided</i> , That if any State convention or other convention be called between the time fixed herein for the election of new delegates, the delegates last elected to attend the State convention or other convention, as the case may be, shall act as such until the election of other delegates shall be had under the terms of this act. Said chairman and members of county and city committees and delegates to the several conventions, as aforesaid, shall be named by petitions as hereinafter provided for county, city, ward and township officers: <i>Provided</i> , That in case any convention be called by any political party and there be no delegates elected under this act to attend such convention and there is no election held under this act between the time of holding such convention and calling of the same, the county committee of such party shall choose the delegates to such convention.
Organization of committees.	
Primary for delegates to certain conventions.	
Delegates, etc., to be named by petitions.	
Proviso, when county committee to choose delegates.	
Who declared nominated.	SEC. 3. The primary election of all political parties shall be held at the same time and place and in the manner provided for in this act, and the person or persons, who receive on each party ballot the greatest number of votes for the nomination for any office shall be the candidate of his party for that office or position at the next ensuing election: <i>Provided</i> , That said person or persons shall receive twenty-five per cent of all the votes cast for the nomination for said office at the said primary election, otherwise no person shall be declared nominated for said office at said primary and the selection of a candidate for such office shall be made as hereinafter provided. The inspectors of election and other officers of all primary elections provided for in this act shall be compensated as are inspectors of general elections in said county, city or township under the laws of this State.
Proviso nominees to receive twenty-five per cent.	
Compensation of inspectors, etc.	



candidate  
on ballot,  
filing of, etc.

Legislative  
or county  
candidate.

City  
candidate.

Ward  
candidate.

Township  
candidate.

Candidate  
for committee  
chairman or  
convention  
delegate.

Candidate  
for member  
of township  
or ward  
committee.

Petition, no  
person to  
sign more  
than one.  
When filed.

upon the primary election of the city of Alpena county, or of the recorder of the city of Alpena, as the case may be, a petition or petitions signed by qualified voters as hereinafter provided, belonging to the political party of which it is desired to have such person become a candidate for any office, petitioning that such person (naming him) become a candidate for nomination for such office and requesting that the name of such person be printed upon the official primary election ballot as a candidate of said political party for said office. In case it is desired to have such person become a candidate for representative to the State legislature or for county office in said county, such petition or petitions shall be filed in the office of the county clerk and shall be signed by at least thirty of the qualified voters belonging to said political party and residing in said county of Alpena. In case it is desired to have such a person become a candidate for office in said city of Alpena, such petition or petitions shall be filed in the office of the recorder of said city of Alpena, and shall be signed by a [at] least thirty of the qualified voters belonging to said political party and residing in the said city of Alpena. In case it is desired to have such a person become a candidate for any ward office in said city of Alpena, such petition or petitions shall be filed in the office of the recorder of said city and shall be signed by at least ten of the qualified voters belonging to said political party and residing in the said ward of the city of Alpena. In case it is desired to have such a person become a candidate for any township office in said county, such petition or petitions shall be filed in the office of the township clerk of said township and shall be signed by at least five of the qualified voters belonging to said political party and residing in said township. In case it is desired to have such person become a candidate for chairman of the county or city committee or delegate to any convention such petition or petitions shall be filed in the office of the county clerk or city recorder, as the case may be, and shall be signed by at least thirty of the qualified voters belonging to said political party and residing in the said county or city of Alpena, as the case may be. It case it is desired to have such person become a candidate for member of any township or ward committee, such petition or petitions shall be filed in the office of the township clerk or city recorder, as the case may be, and shall be signed by at least five of the qualified voters belonging to said political party residing in such township or ward, as the case may be. No person shall sign a petition for more than one person to become a candidate for the same office at the same primary election; such petition or petitions shall be filed in the office of said county clerk or of said recorder of the city of Alpena, as the case may be, not later than five o'clock in the afternoon of the tenth day before the

and may be substantially in the following form:

Form of. "We, the undersigned residents in ..... State of Michigan, and qualified voters therein, and belonging to the ..... party, do hereby petition that ..... , who resides in the ..... , county of Alpena, State of Michigan, become a candidate for the nomination for the office of ..... to be made at the primary election of said party to be held upon the ..... day of ..... , 19..... and we do hereby request that the name of the said above person be printed upon the official election ballot, as provided by law, as a candidate of the ..... party for said office." If the person so named in said petition or petitions shall be eligible for said office, and unless such person shall file in the office of said county clerk or the recorder of the city of Alpena, as the case may be, before five o'clock in the afternoon of the eighth day before the primary election, his written refusal to become a candidate for the nomination for said office signed by him, the county clerk or the recorder of the city of Alpena, as the case may be, shall place, or cause to be placed, the name of said person upon the official ballot of the designated party as herein provided. All petitions for nominations for township officers and members of county or township committees shall be certified by the township clerks to the county clerk at least seven days before holding such primary election.

When name placed on ballot.

Township petitions, how certified.

Ballot, vote by.

Ballots, when prepared.

Copy of, to be posted.

How and by whom printed.

Separate party ballots.

Form of. (Name of party).....

SEC. 5. The method of voting at said primary election shall be by ballot, except as herein provided, and all ballots voted shall be printed and prepared as hereinafter provided. On the seventh day before any primary election, the county clerk or recorder of the city of Alpena, as the case may be, shall group all of the candidates for each political party by themselves and shall at once prepare in writing separate ballots for each political party. A copy of each party ballot shall be posted in some conspicuous place in said clerk's or recorder's office for the purpose of inspection at least six days immediately preceding the day upon which each of said several primaries are herein appointed to be held. The official ballots for said primary election shall be printed by or under the direction of the board of election commissioners of the county of Alpena, or the city of Alpena, as the case may be, for each political party upon tinted paper. The official ballot for each political party shall be separate and shall be of a different tinted paper from those of any other political party and shall be about in the following form:

#### PRIMARY ELECTION BALLOT INSTRUCTIONS.

You can vote for only one candidate for each office. Mark a cross (x) in the square in front of the name of the person

write his name in the blank space appearing after the office for which you desire said elector to be nominated.

Sheriff:	<input type="checkbox"/> John Smith	<input type="checkbox"/> .....
	<input type="checkbox"/> .....	<input type="checkbox"/> .....
Judge of Probate:	<input type="checkbox"/> Paul Jones	<input type="checkbox"/> .....
	<input type="checkbox"/> .....	<input type="checkbox"/> .....
County Clerk:	<input type="checkbox"/> Jas. Green	<input type="checkbox"/> .....
	<input type="checkbox"/> .....	<input type="checkbox"/> .....

Upon each ballot shall appear by proper designation the political subdivisions as, county, city, ward or township, etc. Every party ballot shall be numbered consecutively, and as provided for numbering of ballots by the general election law. The names of the candidates of each political party shall be printed on a separate ballot with the name of the party at the top thereof in large letters. When there is more than one candidate for the same office or position, the proper boards of election commissioners shall determine by lot the order in which such names shall be printed upon the ballot. In the column upon the left of the ballot shall be printed the title of office to which nominations are to be made, also of committees or delegates to be elected and under each title the number of candidates for which each elector may vote. Opposite the title to any office or other position shall be printed names of all candidates for such position or office consecutively from left to right in the order in which said election commissioners shall have determined, by lot, and to the left of each name shall be a square and at the right of each name shall be a blank in which any person may write the name of a candidate he may desire to vote for whose name does not appear upon such official ballot by marking a cross at the left of said name in said square. In voting a primary election ballot, the instructions herein set forth shall be followed, provided in the city of Alpena, or in any of the townships where they have voting machines, the political party casting the highest number of votes for Governor at the preceding election shall use the voting machines in place of ballots as provided in this section. And the general election law as to the use of voting machines shall apply to the use of voting machines at said primaries in so far as the same are applicable.

General  
arrangement  
of.

Use of  
voting  
machines.

SEC. 8. The primary elections shall be held in the voting precincts in the said city of Alpena or said townships of the county of Alpena in the places designated by the officers whose duty it is to designate the places for holding elec-

Primaries,  
where held.

Notice of  
registration.

Boards of  
registration,  
duty of.

Information  
required of  
electors, etc.

Elector, when  
not entitled  
to vote.

Primary  
election  
register,  
procuring of.

of Alpena and the sheriff of Alpena county, if county or legislative officers are to be nominated, shall give notice of the holding of such election same as now provided by the election laws which notice shall be either written or printed and be delivered to the township clerk of each township and to the several chairmen of the several boards of primary inspectors in said city or to each or all of them, as the case may be, the notice required by the general election law or provided by the charter of the city of Alpena, as the case may be, for elections; and the notices for the registration of electors shall be required to be given with reference to all primary elections; said notices shall be given as provided by the election law or the charter of the city of Alpena, as the case may be.

SEC. 9. It is the duty of each of the boards of registration in the several voting precincts in the said county and wards of the city of Alpena in addition to all other duties now required of them by law, and at the same time and place now required of them by law, for meeting of the said boards, to register in a separate book to be furnished for that purpose and kept for that purpose, all qualified electors who will be entitled to vote in such precincts at the next election held therein, except those electors who shall decline to declare to such boards their party affiliation, and when so registered such electors may vote at the primary elections provided to be held under this act, but no elector not so registered shall be entitled to vote at such primaries. The electors applying for registration to vote in such primaries shall furnish said board the following detailed information:

- (a) His name;
- (b) His age;
- (c) His place of business in said precinct;
- (d) Whether native or naturalized;
- (e) The name of the political party with which he has been affiliated;

(f) The name of the political party with which he intends in the future to affiliate.

All of such detailed information so furnished by electors to such boards shall be set down in said book in separate columns opposite the name of said elector so registered. If in the event that any elector refuses to furnish said board with said information, it shall be the duty of said board to refuse to register the said elector so refusing and he shall not be entitled to vote at such primaries. It is hereby made the duty of the county clerk for said Alpena county to purchase and furnish to each of the boards of registration in the several voting precincts in the townships of the county of Alpena, books for the proper registration of said electors and said books shall be known as the primary election register. It shall be the duty of the said recorder of the city of

in the various wards of said city, books for the proper registration of said electors, and said books shall be known as the primary election register. The cost and expense of furnishing said books above referred to shall be paid for by the county of Alpena and the city of Alpena, as the case may be. Said registration books, when said board have finished the registration of voters in the said several precincts, shall in the city of Alpena be returned to and kept by the said recorder; and in the several townships shall be returned to and kept by the township clerk in his office. All of said books, when so returned and in the office of the said recorder of the city of Alpena and in the clerk's office of the townships shall be opened to party inspection at all convenient times. It is hereby made the duty of the said recorder to deliver said primary election register to the chairman of the various boards of primary election in said city before the opening of the polls on the day any primary election is to be held in said city. It is hereby made the duty of each of the several township clerks to deliver said primary election registers to the chairmen of the said boards of primary election inspectors on the day, and for use, at any primary election to be held in the said several townships. After the close of the polls and the canvass of the votes has been completed by the various boards the primary election inspectors shall return the said register forthwith to the said recorder of the city of Alpena and to the clerks of the various townships of the county of Alpena.

Expenses,  
paying of.

Books,  
keeping of.

Register,  
when delivered to  
boards, and  
returning of

The second registration under this act shall be made in the several townships of the county of Alpena and in the several wards of the city of Alpena on the second Tuesday and Wednesday in the month of March, nineteen hundred eight, and a new registration shall be made every four years thereafter on the second Tuesday and Wednesday in the month of March: *Provided further*, That in each year and preceding all primary and general elections, the board of registration shall revise and correct register electors whose names do not already appear in the said primary registration books.

Second  
registration,  
when held.

Proviso.

SEC. 11. The polls in the several voting precincts on the day fixed for holding primary elections shall be opened for the purpose of voting from nine o'clock a. m. until eight o'clock p. m., local time. The polls shall be opened by proclamation and proclamation shall be made that the polls will close at least one-half hour before closing of the same.

Opening and  
closing of  
polls.

SEC. 13. The board of election inspectors in the various townships of said county and in the several wards of said city shall consist of five members, one of whom shall act as clerk. The members of the county committees of the various political parties shall be the inspectors of election in townships; the members of the city committees of the several political parties shall be the inspectors of election in the various

Board of  
election  
inspectors,  
who to act as.

Persons not  
eligible.

Proviso.

Who may be  
candidate  
for more than  
one office.

Vacancies in  
certain  
offices.

Poll books  
and tally  
sheets.

Heading of  
tally sheet.

Names, how  
to appear on  
sheet.

Separate  
canvass.

vacancies upon said board of election inspectors, then the voters present shall by a viva voce vote elect some qualified voter or voters then present to fill any vacancy or vacancies upon said board. Said expenses for holding said election shall be audited and paid in the same manner as provided for the payment of election expenses by law. No person who is a candidate for public office or for nomination at the said primary election shall be an inspector of election. If any of the said inspectors are candidates for public office, the electors present at the opening of the polls shall fill his place as hereinbefore provided in case of vacancies: *Provided*, That the candidates for members of the city or county committee or delegates may be inspectors of election.

SEC. 16. No elector shall become a candidate for more than one office, except candidates for public conventions, chairman of the county and city committees of the various political parties, and members of the county committee of the various political parties. Any vacancies in the nomination for representative to the State legislature, county or township office shall be filled by the county committee and for city or ward offices by city committee, as the case may be, of the political party upon whose ticket the vacancy shall occur. Any vacancy in the chairmanship of the county committee or the city committee, as the case may be, of the party, or in the membership of the county or city committee of any party shall be filled by the county or city committee of the party, as the case may be, in which such vacancy shall exist until the next primary election, at which election such vacancy shall be filled.

SEC. 20. Two poll books and two sets of tally sheets or two tally books, for each political party having candidates to be voted for at said primary election, shall be furnished for each voting precinct by the county clerk at the same time and in the same manner that the ballots are furnished, and each shall be substantially as follows:

Each tally sheet, or the first sheet of each tally book, shall be headed:

"Tally sheet for ..... (name of political party), (name of township or city) ..... (ward or township) .....for primary election held ..... (giving the date)."

The names of the candidates shall be placed on the tally sheets in the order in which they appear on the official ballots and in each case shall have the proper party designated at the head thereof. The canvass made shall be separate for each political party. After said canvass is completed one tally sheet, or tally book, together with the ballots cast at said primary election shall be placed in the ballot box, after which said box shall be locked and sealed, and delivered by the chairman of said board of primary election inspectors

soon as the votes are counted in each ward and township, it shall be the duty of each chairman of each board of primary election inspectors to prepare a statement of the votes cast at said primary election, which said statements shall be separate for each political party. The said statements shall be signed by the inspectors of election and be at once returned to the county clerk of the said county, if county officers are voted for at said primary election, or if city officers are voted for at any city election, the said statements shall be returned to the recorder of the city of Alpena, not later than the day following said election.

votes cast.  
Signing of  
statement.

SEC. 21. The clerk of the county of Alpena, the recorder of the city of Alpena, and the probate judge for Alpena county shall constitute the canvassing board for said city and county for the purpose of canvassing the returns made from any primary election held in said county of Alpena or in said city of Alpena, as the case may be. Said canvassing board shall meet in the office of the probate court in the court house, at ten o'clock in the forenoon of the second day following said primary election and proceed to canvass the returns and declare the nomination of the various candidates in the same manner as provided by the general election laws for the canvass of votes by the board of county canvassers, shall certify the nominations according to the results of the said canvass, not later than the fourth day after said primary election shall have been held to the proper board of election commissioners of the city of Alpena, or of the county of Alpena, as the case may be. The persons receiving the greatest number of votes for chairman of the county committee, or of the city committee, as the case may be, of any political party, and for members of the county and city committees of the various political parties, shall be declared duly elected. The seven persons or the number of delegates Alpena county is entitled to who receive the greatest number of votes cast at said primary election shall be declared delegates to the respective conventions for which they were candidates. The candidates for member of the State legislature and county, city, township and ward officers who receive the greatest number of votes shall be declared nominated for the respective offices of said several political parties: *Provided*, That the candidates for representative of the State legislature for the Alpena district, judge of probate, county treasurer, county clerk, register of deeds, prosecuting attorney, sheriff, or if a city office for mayor, city recorder, comptroller or city treasurer, who receive the greatest number of votes does not receive at least twenty-five per cent of the entire votes cast by his respective party for candidates for their respective offices, he shall not be declared nominated, but there shall be held in the county or city, as the case may be, one week from the date of holding said primary election

Canvassing  
board, who  
to constitute.

Where and  
when to meet.

County and  
city  
committees.

Delegates to  
conventions.

Nominees  
for office.

Proviso, as to  
number of  
votes  
required for  
nomination.

Second  
primary.

Proviso as to  
who may vote.

Statements  
made by  
canvassing  
board.

Tie for office,  
how  
determined.

Nominee, who  
to be.

Vacancy on  
ticket.

How  
candidate may  
contest  
nomination.

ber of votes at the first primary election, but not enough to nominate, shall be the candidates. The manner of conducting the second primary shall be in all respects the same as the first primary election in so far as the same is applicable, except that notice of two days, of said second election shall be sufficient: *Provided*, That only electors who were duly registered and voted at the first primary election shall be entitled to vote at the second primary election, and that the poll lists of the first primary election shall be used as the voting and registration lists of the second primary election.

SEC. 22. The canvassing board as herein provided shall make separate statements of the votes cast for each political party signed by the members of said boards and filed in the office of the county clerk or the city recorder of the city of Alpena, as the case may be, as follows:

The names of all candidates voted for at the primary election with the number of votes received by each and for what office and their determination as to which candidates were nominated, as the case may be.

If two or more candidates of the same political party are tied for the same office, the tie shall be determined by lot. then and there, by the canvassing board. It shall be the duty of said canvassing board to notify each of the successful candidates of their nomination, and that his name will be placed upon the official ballot at the next ensuing election.

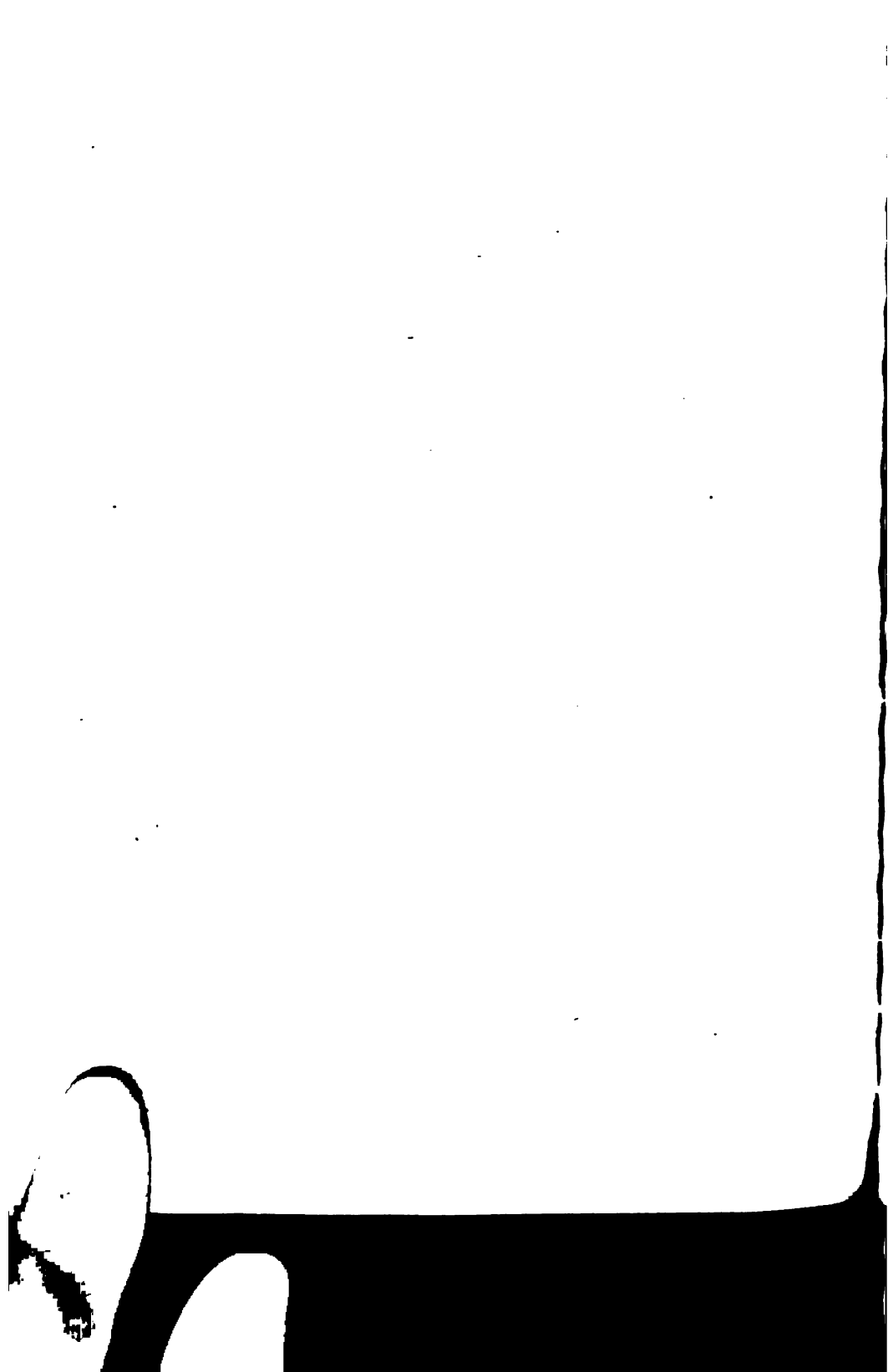
SEC. 23. The persons so certified as nominated by the canvassing board shall be the nominees of the several political parties of which they are candidates and such names shall be printed upon the official ballots prepared for the ensuing election in like manner as if such persons had been duly nominated by a party convention and shall be furnished a certificate thereof, which said certificate shall be filed as required by the general election laws. In case of vacancy on the ticket of any party occasioned by death, removal, resignation, or other causes or in case the candidate so nominated shall be disqualified from holding office under the general election laws of this State, and the county or city committee as the case may be, of the same political party, or if there be no such committee, then a mass convention of such party may fill such vacancy, and the name of such new candidate or candidates to fill the vacancy or vacancies shall be certified under oath to the board of canvassers of said city or of said county, as the case may be, by the chairman and secretary of said committee or of such mass convention.

SEC. 24. Any candidate for office at any primary election may contest the nomination of the candidate against him at said primary election by filing a petition with the canvassing



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## CERTIFICATE.

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MICHIGAN  
DEPARTMENT OF STATE  
LANSING.

I, George A. Prescott, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the legislature of one thousand nine hundred seven was on the twenty-ninth day of June, in the year of our Lord, one thousand nine hundred seven.

[L. s.] IN WITNESS WHEREOF, I have hereunto affixed my signature and the great seal of the State, at Lansing, this fourteenth day of August, in the year of our Lord, nineteen hundred seven.

GEORGE A. PRESCOTT,  
Secretary of State.



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APPENDIX

CONTAINING

Certified Statements of Boards of Supervisors

RELATIVE TO THE

ERECTION AND CHANGE OF BOUNDARIES OF  
TOWNSHIPS

AND

PROCEEDINGS RELATIVE TO INCORPORATION OF CITIES  
AND VILLAGES.



## TOWNSHIPS.

### CHEBOYGAN COUNTY.

In the matter of the application of certain freeholders of the township of Grant in the county of Cheboygan for detaching certain territory from the said township and erecting a new township to be known as the township of Aloha.

Tuesday, October 22, 1907.

Board called to order by the chairman. Roll called and quorum present. Minutes of Saturday's and Monday's sessions read and approved.

To the Honorable Board of Supervisors:

Gentlemen—Your committee on towns and counties, to whom was referred the matter of the division of the township of Grant and the organization of the township of Aloha, would respectfully report, that we have carefully investigated the matter and recommend that the prayer of the petitioners be granted.

NEIL SMITH,  
BYRON WATSON,  
Majority of Committee.

To the Honorable Board of Supervisors:

Gentlemen—Your committee on towns and counties, to whom was referred the matter of the division of the township of Grant and the organization of the township of Aloha, would respectfully report that we have carefully investigated the matter and recommend that the prayer of the petitioners be not granted.

JERRY JARVIS,  
Minority of Committee.

Supervisor Miller moved, and it was supported, that the majority and minority reports of the committee on towns and counties be laid on the table until 2 o'clock. Which motion did prevail.

Tuesday, October 22, 1907, Afternoon.

Board met pursuant to adjournment. Roll called and quorum present.

The special order of business, the report of the committee on towns and counties, was before the board.

from the committee on towns and counties be taken from the table. Which motion prevailed.

Supervisor Gerow moved, and it was supported, that the majority report of the committee on towns and counties be adopted, which motion did prevail, a majority of all the supervisors present voting therefor by yeas and nays, as follows:

Yeas—Bonnett, Delamarter, Eck, Fuller, Gerow, McTiver, Miller, Massey, Peterson, Paquette, Riggs, Smith, C. H., Wilson, Watson—14.

Nays—Cronan, Caswell, Jarvis—3.

Saturday, October 26, 1907.

Board called to order by the chairman. Roll called and quorum present.

By Supervisor Neil Smith.

WHEREAS, An application has been duly made to the board of supervisors of the county of Cheboygan by S. A. Tromble and thirty-one others, all of whom are freeholders and residents of the township to be affected thereby, for the erection and organization of a new township of the territory described, to be known as the township of Aloha, and the said board having been furnished with a map of the township to be affected thereby, and it appearing to said board, by due proof, that notice inviting such intended application, signed by at least twelve freeholders of the township to be thereby affected, has been duly posted and published in the manner and during the time required by law, and it also appearing to said board that the application ought to be granted.

Thereupon, It is ordered and determined by said board, that the territory described as follows, to-wit: All of township thirty-six (36) north, range one (1) west, lying west of Black river, be and the same is hereby erected and organized into a new township to be called and to be known as the township of Aloha. That the first annual meeting therein shall be held at the store house of F. A. Houts, at the village of Aloha on the first Monday of April, A. D. 1908, and that Robert Wylie, John Anderson, S. A. Tromble and E. W. Barr, four electors, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls and to exercise the same power as the inspectors of any township meeting may exercise under the laws of this State.

Supervisor Roaney moved, and it was supported, that the board of supervisors of Cheboygan county erect and organize the township of Aloha according to the prayer of the petitioners. Yeas and nays were called.

Yeas—Bonnett, Caswell, Delamarter, Eck, Fuller, Humphrey, Jarvis, McTiver, Massey, Paquette, Roaney, Riggs, Smith, C. H., Wilson, Watson—15.

Nays—0.



I, Joel L. Barrett, clerk of the  
certify that the above and fore  
original record of the action of  
county in erecting and organ  
record in the office of the clerk  
of such original record.

IN TESTIMONY WHEREOF  
[SEAL] I have affixed the seal  
this 27th day of

MANISTEE

In the matter of the application  
ment of certain territory to  
organize the same into a new  
of Dickson.

WHEREAS, An application has been  
of the county of Manistee, by  
Theodore Huff, James McCa  
Charles Collins, George Good  
Mike Domres, Ferdinand (C)  
ship number 22 north, range 1

Also, John A. Miller, William  
Hillsamer, Lemuel Leckrone,  
bert, J. A. Duncan, E. E. Wa  
dent freeholders of township  
of Manistee county, all of whom  
side in each of the townships  
organization into a new town  
and the said board having been  
to be affected thereby; and it  
notice in writing of such intent  
freeholders of the township of  
duly posted up and published  
quired by law; and it appears  
thereof, that the said applica

Thereupon, it is ordered that  
territory described as follows:

Township number twenty-  
ship number twenty-two north  
Michigan, be, and the same  
township, to be called and known

and that James Duncan, George Deardorf and John Miller, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Adopted by yeas and nays, a majority of all the members elected voting therefor, to-wit:

Yeas—Messrs. Beaver, Brodie, Winberg, Olney, McFadzen, Nelson, Kullgren, Brimmer, Erdman, Lumley, Burke, Welbes, Manthei, Manseau, Meier, Freiberg, McAnley, Haas, Hanson, Hellesvig, Russell and Baumann—22.

Nays—0.

STATE OF MICHIGAN, }  
County of Manistee. } ss.

I, Albert Erickson, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me, from the original record of the proceedings of the board of supervisors of said county, on the 9th day of October, in the year 1906, upon the application of John Sickles and others for the erection and organization of a new township, now remaining in my office, and of the whole of such original record.

And I further certify that the annexed is a true and correct copy of the map presented to said board on the said application.

IN TESTIMONY WHEREOF, I have hereunto subscribed my  
[SEAL] name, and affixed the seal of the circuit court for said  
county, this 10th day of October, A. D. 1906.

ALBERT ERICKSON,  
County Clerk.

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### MARQUETTE COUNTY.

In the matter of the application of certain freeholders of the townships of Negaunee and Richmond to detach certain territory from the township of Richmond and attach such territory to the township of Negaunee.

The honorable board of supervisors of Marquette county met, pursuant to call duly made, at the court house in the city of Marquette, in said county, on Wednesday, the 27th day of March, A. D. 1907, at 11:25 a. m. The meeting was called to order by the chairman, John Trebilcock. The roll being called the following supervisors were found to be present: Present—Autio, Ayotte, Barabe, Miners, Champion, Charles, Currie, Dorais, Ewing, Fay, Frederickson, Fransen, Gill, Goodman, Hodgson, Jackson, Johnson, F. J., Johnson, Christ. Krieg, Manley, Muck, Neidhart, Nord, Pepin, Powell, Peterson, Roberts, Shaw, Sink,

Absent—Rublin, Morgan, Scanlon—3.

In the matter of the application of certain freeholders of the townships of Negaunee and Richmond to have certain territory detached from the township of Richmond and added to the township of Negaunee, the following resolution was offered:

WHEREAS, Application has been duly made to the board of supervisors of the county of Marquette, by Wiltor Guius, Frend Lampi, August Peterson, Louis Johnson, Matt Olson, Jacob Stromer, Ananias, John Perale, Kalle Balolu, Frank Lehtanen, Matti Huhtala, John Uypala, P. C. Peterson, Anders Krooks, Jacob Strom, Jacob Forsman, John Peterson, Victor Anderson, John E. Hogberg, Andrew Martinson, Cleophas Lamer, Matt Hainanen, Jacob Exkola and Philip J. Hogan, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, to have certain territory detached from the township of Richmond and added to the township of Negaunee, and the said board having been furnished with a map of all the township to be affected thereby, and it appearing to said board, by due proof, that notice in writing of such intended application signed by at least twelve (12) freeholders of each of the townships to be affected thereby, has been duly posted up and published in the manner and for the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted, thereupon it is resolved, ordered and determined by the said board of supervisors of the county of Marquette, Michigan, that the territory described as follows, to-wit: Section ten (10), eleven (11) and twelve (12) in township forty-seven (47) north, range twenty-six (26) west in said county, be and the same is hereby detached from the said township of Richmond and added to the said township of Negaunee and the boundary lines of the said township of Negaunee are hereby extended so as to embrace the territory herein described, and such territory from and after the date hereof shall be in all things and for all purposes a part of the township of Negaunee.

AUGUST P. PETERSON.

Upon motion duly seconded, the resolution was adopted and the prayer of the petitioners granted by a yea and nay vote, as follows:

Yeas—Supervisors Autio, Ayotte, Barabe, Miners, Champion, Charles, Currie, Dorais, Ewing, Fay, Frederickson, Fransen, Gill, Goodman, Hodgson, Jackson, Johnson, F. J., Johnson, Christ, Krieg, Manley, Muck, Neidhart, Nord, Pepin, Powell, Peterson, Roberts, Shaw, Sink, Smith, H. S., Smith, Jacob, Smith, R. T., Sweder, Toms, Vivian, Wollner, Yungbluth, Chairman—38.

Nays—none.

JOHN TREBILCOCK,  
Chairman.  
MARK ELLIOTT,  
County Clerk.

I, Mark Elliott, clerk of the circuit court for the county of Marquette do hereby certify that the foregoing is a correct transcript, compared by me from the original record of a resolution to detach certain lands from Richmond township and added to the township of Negaunee, in said county, now remaining in my office, and of record in said court and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of said circuit court, at the city of Marquette, in said county, this 16th day of

[SEAL] April, A. D. 1907.

MARK ELLIOTT,  
County Clerk.

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### OSCODA COUNTY.

In the matter of the organization of the township of Clinton.

#### To Whom It May Concern:

Notice is hereby given by the undersigned, freeholders of the township of Comins, in the county of Oscoda, that application will be made to the board of supervisors of said county at their next meeting to be held on the first day of January, A. D. 1907, that the following described territory, to wit: T. 28 N., 3 E., T: 28 N., 4 E. be detached from the said township of Comins and erected and organized into a new township to be called the township of Clinton.

Dated this third day of December, A. D. 1906.

George Imlay, J. J. Pletcher, Enos Zook, Byron L. Holly, John C. Neff, Amos Jacobs, J. J. Kauffman, Wm. L. Bond, L. J. Troyer, E. A. Troyer, J. H. Ablett, J. N. Mast, L. S. Yoder, Frank H. Oaks, N. C. Yoder.

STATE OF MICHIGAN, }  
County of Oscoda. } ss.

J. J. Pletcher, being duly sworn, deposes and says that on the 4th day of December, 1906, he posted up true copies of the notice hereto annexed in five of the most public places in the township to be affected thereby as follows, to-wit: One place of posting was at the postoffice in Fairview, one at the postoffice in Comins, one at Gaseho's corners, one at Kneeland postoffice, and one at Troyer's store in Fairview, all in the township of Comins, Oscoda county, Michigan, and this deponent further says, that he caused a copy of said notice to be published once in each week for four successive weeks immediately preceding the meeting of the board of supervisors at which the application mentioned there-

Subscribed and sworn to  
D., 1906.

Resolved, By the board o  
that the within application  
township be the township of  
meeting be held at the depo  
near the post office at Comir  
and designate J. J. Pletcher  
to preside at such meeting,  
Comins township from whi  
be held at the town hall in t

Moved by Supervisor Thon  
the above resolution present

STATE OF MICHIGAN,  
County of Oscoda.

I, Laird J. Troyer, clerk  
circuit court for said coun  
the foregoing copy of proces  
county with the original rec  
that it is a true and correc  
such original record.

IN TESTIMONY  
affixed the s  
January, A.

[SEAL]

# CITIES AND VILLAGES.

## CHEBOYGAN COUNTY.

In the matter of the application of certain legal voters of the township of Forest, in the county of Cheboygan, for the incorporation of certain territory into a village to be known as the village of Tower.

STATE OF MICHIGAN, }  
County of Cheboygan. } ss.

Thursday, December 27, 1906.  
Afternoon session.

Board called to order by the chairman.  
Roll called by the Clerk, a quorum present.  
By Supervisor Miller:

To the honorable board of supervisors:

Gentlemen: Your committee to whom was referred the application for an order incorporating certain territory in Forest township, this county, into a village, to be known as the village of Tower, do respectfully report:

That we have carefully examined all the proceedings taken by the proposed incorporators and the application made by them, and find that all proceedings have been taken as required by law; that the territory sought to be incorporated contains an area of one square mile and a resident population of more than three hundred persons, to wit: Five hundred and eighty-nine (589) as appears by the special census taken and filed with the clerk of this board.

We therefore recommend to this honorable board that the prayer of the applicants be granted, and offer the following resolution and recommend its adoption;

WHEREAS, The required number of voters of the following described territory have made application to this board of supervisors for an order incorporating such territory as a village to be known as the village of Tower, to wit:

The south half ( $\frac{1}{2}$ ) of section three (3) and the north half of section ten (10) township thirty-four (34) north, range one (1) east, which territory is wholly in the township of Forest, county of Cheboygan and State of Michigan and which territory comprises in area one square mile, and contains a resident population of five hundred and eighty-nine, as appears by a special census taken of the residents of such territory and completed on the 18th day of December, A. D. 1906, which census verified by the affidavit of the person taking the same, has been duly annexed to said application, and

board of supervisors and  
newspaper printed and ci  
having been printed therei  
immediately previous to  
specified in such notice fo  
and affidavit of the public  
said application, and this  
and by virtue of the powe  
visors by Chapter 87 of the  
thereto, being an act to pr  
the State of Michigan, an  
be it,

Ordered, That the follo  
half ( $\frac{1}{2}$ ) of section three  
(10) township thirty-four  
ritory is wholly in the to  
State of Michigan, is here  
to be known as the village

It is further ordered, T  
held on the second Monda  
within said territory, and  
the forenoon and shall clo

And be it further order  
Bowman, and Grant E. Ma  
of such territory and qu  
board of registration for s  
who shall also act as inspe

Which resolution did pr  
voting therefor by yeas an

Yeas—Cronan, Caswell,  
Jarvis, Miller, Massey, Pe  
Wilks, Fuller, Paquette.

Nays—Delamarter, Roa

Yeas, 18; nays, 4.

On motion of Supervis  
morning at the hour of 10

STATE OF MICHIGAN,  
County of Cheboygan.

I, Joel L. Barrett, clerk  
circuit court for said co  
having a seal, do hereby c

county of Tower with the original record thereof now remaining in my office, and have found the said copy to be, and that the same is a true and correct transcript therefrom, and of the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Cheboygan, this 21st day of January, A. D. 1907.

[SEAL]

JOEL L. BARRETT.

Clerk.

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## EATON COUNTY.

In the matter of the incorporation of the village of Dimondale.

Resolved, That the application of legal voters, residents of the territory hereinafter described, for the incorporation of the village of Dimondale, coming before this board of supervisors for consideration and determination, it is hereby ordered and determined that the territory as hereinafter described, contains three hundred and ninety-seven people, legal residents thereof, and that all of the requirements of Act No. 3 of the Public Acts of Michigan for A. D. 1895, as amended, in respect of such application have been complied with.

It is hereby further ordered that the territory situated and being in the township of Windsor, county of Eaton and State of Michigan. known and described as commencing at the center post of section fifteen (15) in town three (3) north, range three (3) west in Eaton county. State of Michigan, thence north forty-five (45) degrees west forty-seven rods, thence south forty-five (45) degrees west one hundred and twenty (120) rods and ten (10) links to the place of beginning. thence south forty-five (45) degrees east two hundred and twenty-six (226) rods, thence north forty-five (45) degrees east four hundred and fifty-five (455) rods, thence north forty-five (45) degrees west two hundred and twenty-six (226) rods, thence south forty-five (45) degrees west four hundred and fifty-five (455) rods to the place of beginning. be and the same is hereby incorporated as a village and shall be and is from this date an incorporated village, under and by the name of the village of Dimondale, as prayed in said application.

The twelfth day of March, A. D. 1906, is hereby appointed as the time and the opera house in said village as the place of holding the first election, pursuant to the provisions of the statute in such case made and provided.

Freeman G. Pray, Myron F. Disbrow, Rufus B. Underhill and Clarence E. Horton, residents of said territory and qualified electors therein, are hereby appointed as a board of registration for said first election to be held in said village, and that the said members of board of registration shall also act as inspectors of election at the said first election.



A yea and nay vote, being taken on said resolution, resulted as follows: Yeas—Supervisors Beers, D. Backus, Yoxhimer, Tower, Dean, Crane, Milbourn, J. H. Backus, Palmer, Benedict, Bryan, Jordon, Scofield, Kent, Jennie and Webster and Mayors Summers and Morrell. Total 18.

Nays—Supervisors Ford, Hale, Eaton, Potter and Clark. Total 5.  
Whereupon said resolution was adopted.

STATE OF MICHIGAN, }  
County of Eaton. } ss.

I, Boyden P. Moyer, clerk of the county of Eaton and custodian of the seal of the county, hereby certify, that the foregoing is a correct transcript of the resolution and order made on the 12th day of January, A. D. 1906, at the January session of said board, the original of which is on file in this office.

IN WITNESS WHEREOF, I have hereunto affixed my signature  
[SEAL] and the seal of the county of Eaton, at Charlotte, this  
tenth day of March, A. D. 1906.

BOYDEN P. MOYER,  
Clerk.

#### HILLSDALE COUNTY.

In the matter of the incorporation of the village of Montgomery.

Supervisor Moore introduced the following resolution:

WHEREAS, An application has been made by petition to the board of supervisors of Hillsdale county asking that certain territory hereinafter described be incorporated, by said board as a village, under the provisions of Chapter 87 of the Compiled Laws of 1897, as amended.

And WHEREAS, At a session of the board of supervisors of said county held at the court house in the city of Hillsdale, in said county, on the 16th day of October, A. D. 1906, the said application was duly examined together with the census and notice of hearing annexed thereto and proof of publication and of the posting of said notice as required by law being attached thereto and said board has found on examination that all requirements of said act and chapter above mentioned in respect to such application, census and notice of hearing, etc., have been complied with and that said territory hereinafter described contains the population required by this act as shown by said census.

Now therefore, It is ordered and directed by the board of supervisors that the following described territory situated in the township of Camden, county of Hillsdale and State of Michigan be and the same is hereby declared an incorporated village under the name of "Montgomery" pursuant to the provisions of the above named chapter relative to the incorporation of villages.

The territory is described as follows to wit:

The south half of the southeast quarter of section seven (7), the south half of the southwest quarter of section eight (8), the northwest

eighteen (18), also the north half of the southeast quarter of section eighteen (18) all being in township eight (8) south, range (4) west, in the township of Camden, county of Hillsdale and State of Michigan containing one square mile.

And it is further ordered, That the first election to provide village officers for said village be held on the first day of December, A. D. 1906, at the said village of Montgomery.

And further the board of supervisors do appoint from the residents and qualified voters of such territory as a board of registration and also to serve as board of inspectors of election for the said first election to be held in said village the following:

W. T. Lazenby, L. I. C. Young, Edson Bengé, Clarence L. Masters.

Supervisor Abbott moved the adoption of the resolution.

Supervisor Cousins called for yeas and nays.

The roll being called the following supervisors voted in the affirmative: A. G. Barker, Horace Eldred, Jay C. Gear, Henry Fink, Henry Haynes, William B. Howlett, John M. Warren, James Cousins, George P. Benedict, Frank H. Rowe, Stephen Turner, Chas. H. Moore, Angus Abbott, George W. Accles, William W. Mercer, Bartlett H. Bump, Clarence Lamphere, Abel L. Perry, O. C. Nash, S. S. Woodruff and F. O. Hancock.

Resolution declared adopted.

STATE OF MICHIGAN, {  
County of Hillsdale. { ss.

I, F. O. Hancock, deputy clerk of said county of Hillsdale, and of the circuit court therein, being a court of record, having a seal, do hereby certify that I have compared the annexed copy of order of incorporation of the village of Montgomery made by the board of supervisors of Hillsdale county at the October session A. D. 1906 with the original record thereof now remaining in my office, and have found the said copy to be, and that the same is a true and correct transcript therefrom, and of the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at Hillsdale, this 8th day of December, A. D. 1906.

F. O. HANCOCK,  
Deputy Clerk of the Circuit Court.

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### HOUGHTON COUNTY.

In the matter of the petition of certain legal voters for the incorporation of the village of South Range.

Houghton, Michigan, Tuesday, March 13th, 1906.

A meeting of the board of supervisors for the county of Houghton was held, pursuant to adjournment, at the office of the county clerk in the village of Houghton in said county on Tuesday, March 13th, A. D. 1906.

On roll call a quorum was shown to be present.

The petition of certain legal voters for the incorporation of the village of South Range was presented and read.

On motion the petition was received and ordered placed on file.

The following resolution was presented and read:

WHEREAS, A petition signed by 46 electors residing within the territory hereinafter described, has been presented to this board, asking for an order incorporating said territory as a village to be known as the village of South Range. And it appearing that said territory is a part of Adams township, Houghton county, Michigan, and is not included in any incorporated village. And it further appearing that said territory has a resident population of 1177, as appears by the census taken on the sixteenth day of January, A. D. 1906, which census is duly verified by the persons taking the same and filed with the clerk of this board. And it further appearing that due notice has been given as required by law by the persons making the application for an order incorporating said village, by publishing said notice in the Daily Mining Gazette published in Houghton, Michigan, by publishing the same in said paper once in each week for four weeks immediately preceding the time of making the application for incorporation, and by posting copies of said notice in five public places within said territory as appears from the proof of publication and proof of posting of such notice, as appears annexed to said census and which census is also annexed to the petition presented to this board; and this board having heard the parties interested in said incorporation and their representatives and attorney, and it appearing to this board that the incorporation of the territory mentioned and described in said petition and hereinafter specifically described should be incorporated as a village; and it appearing to this board that all of the requirements of the statute in respect to the application for incorporation have been complied with; and that the territory herein described asked to be included in said incorporation contains the population required by statute; this board therefore declares that said territory be and the same is hereby incorporated as a village to be known as the village of South Range.

In pursuance of the statute this board appoints the 16th day of April, A. D. 1906, as the time for holding the first election for said village, and appoints Finnish Temperance Hall in said village as the place for holding said first election; and also appoints the following named persons who are qualified electors and residents of said territory, and discreet persons to constitute the board of registration for said first election to be held in said village, who shall act as inspectors of election for said first election, to wit: Milton A. Renaud, Wm. Goodfellow, Sr., Joseph Fors and Henry Larson.

The territory hereby incorporated as said village of South Range is described as follows, to wit:

The southeast quarter of section (17) township (54) fifty-four north, range thirty-four (34) west, in Houghton county, Michigan.

The foregoing resolution was adopted by an aye and nay vote as follows:

Ayes—Supervisors MacNaughton, Harrington, Van Orden, Cleaves, Washburn, Grant, Uren, Calverley, Steffes, Smith, Crawford, Hocking, Eichkern and the Chairman.—14. Nays—none.

STATE OF MICHIGAN, }  
County of Houghton. } ss.

I, Louis H. Richardson, clerk of said county of Houghton, do hereby certify, that the above and foregoing is a true and correct copy of an order made by the board of supervisors of said county of Houghton, at a session of said board held on Tuesday, March 13th, A. D. 1906, incorporating the village of South Range in said county, as appears of record in my office; that I have carefully compared the same with the original and that it is a true transcript therefrom and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the circuit court for said county at

[SEAL] Houghton, Michigan, this 16th day of March, A. D. 1906.

LOUIS H. RICHARDSON,

Clerk.

### LENAWEE COUNTY.

In the matter of the petition of the village of Clinton for the addition  
of certain lands.

STATE OF MICHIGAN, }  
County of Lenawee. } ss.

At a regular session of the board of supervisors held at the court  
house in the city of Adrian, on Wednesday, March 13th, A. D. 1907.

The board met pursuant to adjournment.

Roll call. Quorum present.

The journal was read, approved and signed in open session.

In the matter of the petition of the village of Clinton for the addition  
of certain lands:

Supervisor Easlick, from the judiciary committee, made the following  
report:

To the honorable board of supervisors of Lenawee county:

Gentlemen: Your committee to whom was referred the matter of extending the village limits of the village of Clinton in said county, would respectfully report that they have carefully examined the application for said extension and find it fully conforms with the law in such cases made and provided.

Therefore, be it resolved, That the board of supervisors of the county of Lenawee and State of Michigan, does hereby order and determine that the petition of the common council of the village of Clinton in said

lowed, by adding to said  
as follows, to wit:

Beginning at a point o  
west of the west line of  
southwardly over the lan  
Railway and along the e  
southwest corner of land  
thence easterly parallel w  
northerly along the west  
the present corporation li  
to the place of beginning.

Supervisor Hines moved  
be accepted and adopted,

The motion prevailed by

Yeas—Supervisors Atkin  
lick, Grenell, Halladay, H  
Roesch, Rorick, Schiebel, &  
Wegner—25. Nays—None

STATE OF MICHIGAN,  
County of Lenawee.

I, Fred A. Acker, clerk  
court thereof, the same be  
hereby certify that I have  
adopted by the board of  
corded, now remaining in  
a correct transcript therefr

IN TESTIMONY  
affixed the

[SEAL] March, A. I

STATE OF MICHIGAN, }  
County of Lenawee. } ss.

At a regular session of the board of supervisors held at the court house in the city of Adrian, January 17th, A. D. 1907.

The board met pursuant to adjournment.

Roll call. Quorum present.

The journal was read, approved and signed in open session.

Supervisor Binns, from the judiciary committee, made the following report:

To the honorable board of supervisors of Lenawee county:

Gentlemen: Your committee on judiciary to whom was referred the petition of Charles L. Reynolds and forty-four others to have certain territory in town five (5) south, range two (2) east, described in said petition, incorporated as a village by the name of and to be known as the village of Onsted, have the honor to report:

That all the requirements of act number three of public acts of 1895 of the legislature of this State in respect to said petition and application, have been complied with; that the territory described in said petition contains a population of three hundred and upwards inhabitants, viz.: Three hundred and thirty persons.

Therefore be it resolved, ordered and declared that the following described land or territory be and hereby is incorporated as the village of Onsted, viz.:

Beginning at a point one hundred sixty (160) rods west of the S. E. corner of section twenty-eight (28) Cambridge township, Lenawee county, Michigan, thence south sixty (60) rods, thence east three hundred twenty (320) rods, thence north three hundred twenty (320) rods, thence west three hundred twenty (320) rods, thence south two hundred sixty (260) rods to the place of beginning, containing an area of one square mile.

It is further ordered by this board that the second Monday in March, 1907, be the time for holding the first village election, and that Baker's Hall in said village of Onsted, be the place for holding said first election.

And it is further ordered that Charles A. Kerr, William F. Muck, L. F. Townsend and George Sheeler, discreet persons, residents of the above described territory, qualified electors therein, be and hereby are appointed a board of registration for said first election to be held in said village, and who shall also act as inspectors of election at said first election.

CHARLES A. KERR,  
Chairman,

All of which is respectfully submitted.

S. C. EASLICK,  
GEO. B. HINES,  
JOHN K. BINNS,  
Committee.

Supervisor Hines moved that the report of the judiciary committee be accepted and adopted.

The motion prevailed by the following vote:

Yeas—Supervisors Avery, Baldwin, Binns, Carey, Dobbins, Easlick, Halladay, Hathaway, Hines, Holloway, Kimball, Porter, Roesch, Rorick, Schiebel, Schreder, Snyder, Sutton, Swick, Tietz, Vine and Wegner.—22.

Nays—Supervisors Grenell, King, Mann and Smith.—4.

FRANK SCHIEBEL,  
Chairman.

FRED A. ACKER,  
Secretary.

STATE OF MICHIGAN, }  
County of Lenawee. } ss.

I, Fred A. Acker, clerk of the county of Lenawee and of the circuit court thereof, the same being a court of record, and having a seal, do hereby certify that I have compared the foregoing copy of resolution for the incorporation of the village of Onsted with the original resolution as recorded now remaining in my office, and I have found the said copy a correct transcript therefrom, and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said circuit court this 22nd day of

[SEAL] January, A. D. 1907.

FRED A. ACKER,  
Clerk.

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### MANISTEE COUNTY.

In the matter of the annexation of certain territory to the city of Manistee.

Be it resolved, That the board of supervisors of Manistee county, at its session beginning the second Monday in April, A. D. 1907, be asked to consent to and authorize, and is hereby asked to consent to and authorize the annexation of a certain piece and parcel of land adjoining the city of Manistee on the south and west upon which stands Mercy Hospital. The said land being known and described as the northeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of section 13, town 21 north, range 17 west, and comprising ten acres more or less according to the government survey.

And, be it further resolved, That the city clerk be, and he is hereby instructed to take all the necessary steps as provided by the city charter, that are necessary for the city to take in the annexation of territory.

I hereby certify that the above is a true copy of a resolution adopted by the common council of the city of Manistee, Michigan, on February 5th, 1907.

[SEAL]

C. A. GUEWRICH,  
City Clerk.

city of Manistee on the south and west upon which stands the Mercy Hospital. The said land being known and described as the N. E.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of section 13, town 21 north, range 17 west and comprising ten acres (10) more or less, according to the government survey, and be it further resolved, That the clerk of this board be instructed to certify a transcript of this resolution with map of said territory to the common council of Manistee.

[SEAL] I hereby certify that the above is a true copy of a resolution adopted by the board of supervisors of the county of Manistee, Michigan, at their special meeting held at the court house in the city of Manistee, on Friday, April 12th, A. D. 1907.

ALBERT ERICKSON,  
County Clerk.

[SEAL] I hereby certify that the above is a true copy of transcript filed in my office on April 17, 1907, by Albert Erickson, clerk of Manistee county, Michigan.

C. A. GUEWRICH,  
City Clerk.

An ordinance to annex ten acres of land upon which Mercy Hospital is situated.

Section 1. The city of Manistee ordains, that certain property being known and described as the northeast quarter of the northwest quarter of the northeast quarter, section thirteen, township twenty-one north, range seventeen west, and comprising ten acres more or less, according to the government survey and cited in a resolution of the supervisors, at their meeting in the court house at the city of Manistee on Friday, April 12th, 1907, and a copy of said resolution certified to by Albert Erickson, clerk of said board, with a map of said territory attached to the said transcript, having been certified to the council for the city of Manistee, the said property is hereby annexed to the said city of Manistee.

[SEAL] I hereby certify that the above ordinance was passed by the common council of the city of Manistee, Michigan, on May 7, 1907, by the concurrence of a majority of all the aldermen elected.

C. A. GUEWRICH,  
City Clerk.

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## NEWAYGO COUNTY.

In the matter of the extension of the corporate limits of the village of Grant.

Thursday, April 18, 1907.

The board met pursuant to adjournment at the hour of 9 o'clock a. m. Called to order by the chairman.



A resolution for the alteration and extension of the corporate limits of the village of Grant, Newaygo county, Michigan.

(Passed by the Grant village council, March 12, 1907.)

Resolved, That we, the council of the village of Grant, Newaygo county, Michigan, respectfully petition the board of supervisors of said county to alter and extend the corporation limits of the said village of Grant, as follows:

Commencing at the quarter post on the south line of section thirteen town 11 north, range thirteen west, running thence east 80 rods, thence north 45 rods, thence west 210 rods, thence south 165 rods, thence east 210 rods, thence north 40 rods, thence west 160 rods, thence north one hundred rods, thence east 80 rods, thence south 20 rods to place of beginning, and that the land before described be annexed to and made a part of said village.

And that a copy of this resolution be published in the Grant Independent for at least three weeks preceding the presentation of said petition, and that such publication shall give the time and place for the presentation of said petition.

A true copy.

WM. N. HUTCHINSON,  
President.

WM. A. SMITH,  
Village Clerk.

Attest:

\* \* \* \* \*

To the honorable board of supervisors:  
Newaygo county, Michigan.

We, the undersigned tax payers in the territory proposed to be attached and annexed to the village of Grant, within said county, do respectfully petition your honorable body to approve of the resolution passed by the village council of said village, a copy of which is hereto annexed.

Name	Date
Jens Hemingsen .....	Apr. 15, 1907.
R. E. Kincaid.....	Apr. 15, "
I. H. Fellows.....	Apr. 15, "
Fred Hart .....	Apr. 15, "
C. W. Egolf.....	Apr. 15, "
Henry C. Hemingsen .....	Apr. 15, "
Leroy Weeks.....	Apr. 15, "
Norman Tryon .....	Apr. 15, "
Joshua Snook .....	Apr. 15, "
Chas. Gooderham .....	Apr. 15, "
Laura Kincaid .....	Apr. 15, "
P. Drummond .....	Apr. 15, "
Archie Bullis .....	Apr. 16, "
Mrs. Mary L. Donley .....	Apr. 16, "
Robert Neil .....	Apr. 16, "
J. P. Sutter .....	Apr. 16, "
Mary E. Lewis .....	Apr. 16, "

A. W. Lambson .....	Apr. 17,	-
M. W. Hart .....	Apr. 17,	-
R. Thompson .....	Apr. 17,	-

Moved by J. E. Sharp, supported by John Sharp, that the resolution passed by the Grant village council, March 12, 1907, and filed with the clerk of the board of supervisors of this county on Friday, April 12, 1907, be granted, the addition to the village of Grant, Newaygo county, thus provided for to be known as "Morley's Addition" to the village of Grant, Newaygo county, Michigan. Carried unanimously.

IRWIN C. FOX,  
Chairman.  
GEORGE W. FRY,  
Dept. Clerk.

STATE OF MICHIGAN, }  
County of Newaygo. } ss.

I, George W. Shepherd, clerk of the county of Newaygo and clerk of the circuit court for said county, the same being a court of record and having a seal, do hereby certify that I have compared the annexed copy of resolution filed by the village of Grant, and the action of the board of supervisors relative thereto with the original record thereof now remaining in my office, and have found the said copy to be, and that the same is, a true and correct transcript therefrom, and of the whole of such original record.

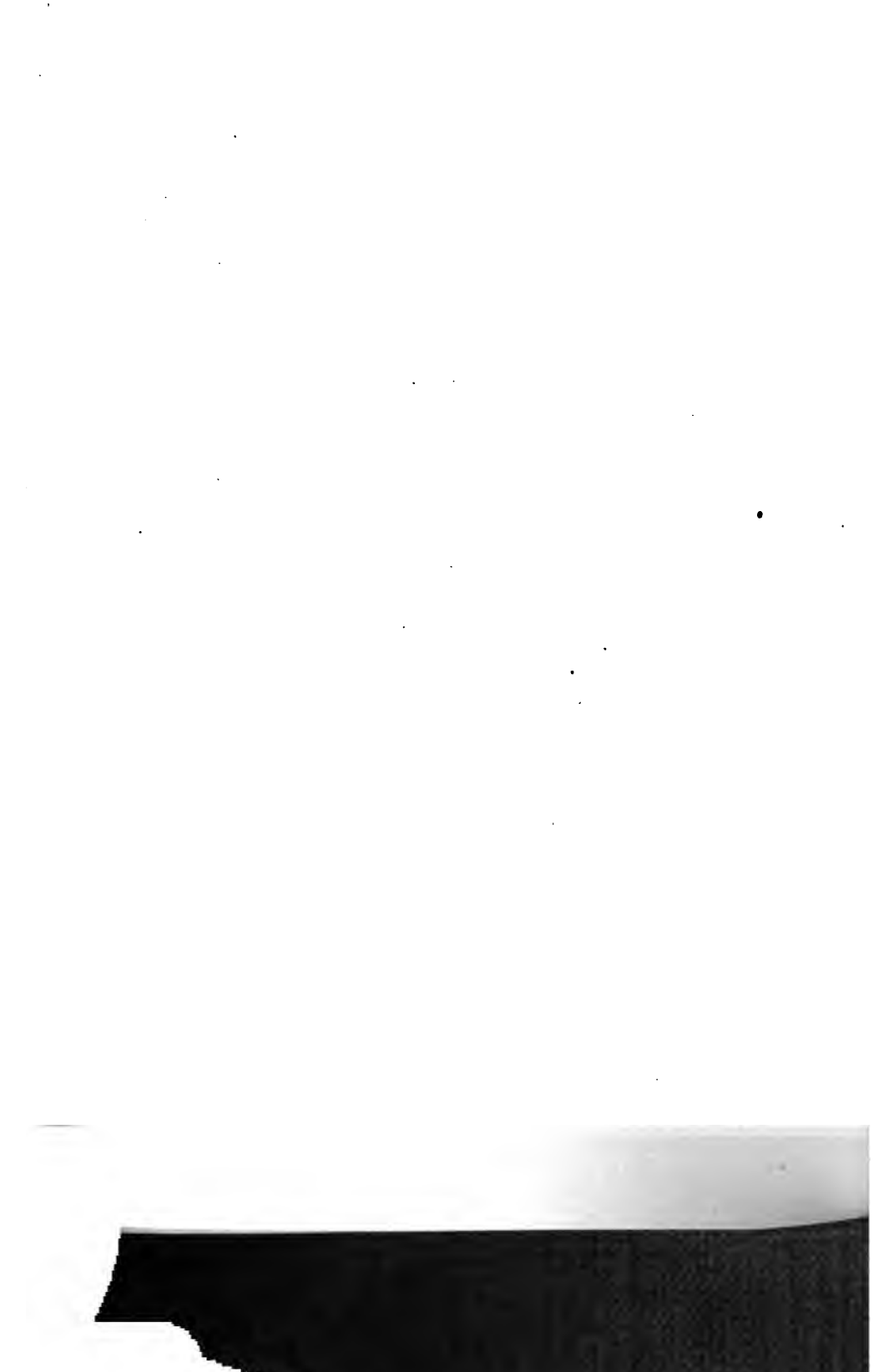
IN TESTIMONY WHEREOF, I have hereunto set my hand and  
affixed the seal of said court, at Newaygo, this second  
[SEAL] day of May, A. D. 1907.

GEORGE W. SHEPHERD,  
Clerk.

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